BOX. 34 TRACT. 2

36.

A COLLECTION of all the PAPERS VVHICH Passed upon the late Treaty, touching the Ceſſation of Armes IN IRELAND, for one yeare beginning on the 15. of *September*, 1643. at Twelve of the clock of the ſaid day.

38/36(1)

DUBLIN,

Printed by *William Bladen*, Printer to the Kings moſt Excellent Majeſty.

Anno Dom. 1643.

A COLLECTION

of all the

PAPERS VVHICH

Passed upon the late Treaty

touching the Cessation of Armes

IN

FRELAND,

for one yeare beginning on the 15.

of September 1643. as it is the of

the clock of the said day.

DUBLIN,

Printed by William Bladen, Printer to the

Kings most Excellent Majesty.

Anno Dom. 1543.

A COLLECTION of all the papers, which passed upon the late Treaty touching the Cessation of Armes in *Ireland*, for one yeare beginning on the fifteenth of *September*, 1643. at Twelve of the clock of the said day.

ON the three and twentieth day of *June* one thousand six hundred forty three. The Viscount *Gormanston*, the Viscount *Muskery*, Sir *Lucas Dillon* Knight. Sir *Robert Talbott* Barronet. *Tirlogh* ô *Neile*, *Geffrey Browne*, *Ever Magennis*, and *Iohn Walsh*, Esquires. In the presence of divers Colonells, Captaines, & Officers of his Majesties Army, and others (being by the Marques of *Ormond* Cõmanded to be present) presented themselves unto his Lordship, in his Lordships Tent neere *Castle-Martin* in the County of *Kildare*, (his Lordship sitting in his chaire covered, and they standing uncouered) and the

said Marques, spake unto them in this manner.

Am come according to your desires, and by vertue of the Kings Authority, to Treat about a Cessation of Armes, and therefore if you have any Propositions tending thereunto, I shall desire to have them in writing, and I shall returne answer in like manner.

THe Viscount *Gormanston*, desired to see the said Marques his Commission, whereunto his Lordship made answer: That he desired to receive in writing, what they would propound unto him. And the next day at eight of the clocke, was by the said Marques appointed, for their next repaire to his Lordship, at *Castle Martine*.

ON the four and twentieth day of *June*, one thousand six hundred forty three, at *Castle-Martine* aforesaid, the Viscount *Gormanston*, and the rest above named, repaired unto his Lordship, in the presence of divers Colonells, Captaines, and Officers of his Majesties Army & others (whom his Lordship commanded to be there) such as are of his Majesties privie Councell, being first retired into the next Roome) and delivered this Proposition in writing.

WE

VVE are authorized by Commiſſion, in the behalfe of the Confederate Catholiques of the Kingdome, to Treat with your Lordſhip, for a Ceſſation of Armes, which Commiſſion we are ready to ſhew, and deſire a ſight of your Lordſhips Commiſſion from his Majeſty, that wee may deſcend to perticulars.

Gormanſton. *Mnskery.* *Lucas Dillon.*

Robert Talbot. *Tirlagh ô Neale.* *Geffrey Browne*

Ever Magenis. *Iohn Walſh.*

VVhich being delivered, the ſaid Viſcount *Gormanſton*, and the reſt withdrew, and the propoſition (being without date, and not ſubſcribed unto) was by his Lordſhip returned againe unto them, and was by them ſigned and dated, and ſent unto his Lordſhip, by Mr. *Lane* his Lordſhips Secretary, who was appointed by his Lordſhip, to bring all Meſſages from either ſide. Whereupon his Lordſhip calling unto him divers of His Majeſties Privie Couucell, and ſeverell Officers of His Majeſties Army, and others appointed by the Lords Iuſtices and Councell, to attend his Lordſhip, and alſo ſeverall Collonells, and others of his Majeſties Army, for his better aſſiſtance, returned this Anſwer.

VPon ſight of your authority, I will giue an anſwer to your deſires of ſeeing my authority from His Majeſtie, to Treat for a Ceſſation of Armes.

ORMONDE.

ANſwer was brought to the ſaid Marques, that they deſired to wait on his Lordſhip, and they (being called in) produced their authority, which being read, and by them left on the Board, and the KINGS letter, dated at *Oxford*, the third day of *May* laſt, being alſo read, they deſired a coppie of the ſaid letter. And anſwer being returned by the ſaid Marques that he would conſider of it, and ſend anſwer unto them in wrighting. they withdrew.

---

his Lordſhips Anſwer.

IHaue veiwed your authority, and (upon requeſt to be made in wrighting) I will ſend you a coppie of His Majeſties letter which was read unto you, and in the meane time, for the Husbanding of time, you may fall to perticulars.

ORMONDE.

Whereupon

Whereupon anſwer was returned by them in theſe words.

VVE deſire a coppie under your Lordſhips hand, of His Majeſties letter, concerning this Treaty of Ceſſation, and that your Lordſhip will be pleaſed, to ſend us our Commiſſion, whereof your Lordſhip may haue a coppie if you pleaſe.

Gormanſton. *Muskery.* *Lucas Dillon,*
Robert Talbott. *Tirlogh ô Neile.* *Geffrey Browne*
Ever Magennis. *Iohn Walſh.*

VVhereunto this returne was made by the ſaid Marques.

I ſend you your authority, and expect a coppie thereof under your hands, and thereupon I will ſend you a coppie of His Majeſties Letter, under my hand, and in the interim for the husbanding of time you may fall to perticulars.

ORMONDE.

Whereunto this answer was made

VVE haue a coppie of our Commission in preparation for your Lordship, and in the interim have some particulars to be presented, but upon reading of His Majesties Letter, wee haue not observed any to be joyned in Commission with your Lordship, in this Treaty, nor doth our Commission warrant us to Treat with any other. And therefore desire, that what shall passe betwixt your Lordship, and us, may be kept from the knowledge of any other, not authorized by His Majesties said Letter, untill matters be fully concluded.

Germanston. *Muskery.* *Lucas Dillon.*
Robert Talbot. *Tirlagh ô Neile.* *Geffrey Browne.*
Ever Magennis. *Iohn Walsh.*

THere is none joyned in Commission with Me In this Treaty, neither doe you Treat with any other, and for the way of proceeding, I am by His Majesty trusted therewith, and I shall doe therein nothing but what I Conceive to be fit.

ORMONDE.

VVE send your Lordship a coppie of the Commission, given us to Treat with your Lordship, and

and desire the coppie of His Majesties Letter to your Lordship.

Gormanston. *Muskery.* *Lucas Dillon*
Robert Talbot. *Tirlagh ô Neile.* *Geffrey Browne.*
Ever Magennis. *John Walsh.*

A coppie of the authority of the Viscount *Gormanston*, Viscount *Muskery*, Sir *Lucas Dillon*, Sir *Robert Talbot*, *Tirlagh ô Neile*, *Geffrey Browne*, *Ever Magennis*, and *John Walsh*, from *Kilkenney*.

By the Supreame Councell of the Confederate Catholiques of *Ireland*.

VVHereas *His Majesties most faithfull Subjects, the confederate Catholiques of* Ireland, *were inforced to take Armes, for the preservation of their Religion, for the defence of His Majesties just prerogatives, and Rights, and the mayntenance of the Rights and Liberties of their Countrey, laboured to be destroyed by the Malignant party. And Whereas, His Majesty in His high Wisedome, and Princely care of His said Subjects wellfare and safety, and at their humble sute, that His Majestie might be graciously pleased, to heare their grei-*

 vances

vances, and vouchſafe redreſſe therein, did direct there ſhould be a Ceſſation of Armes, and thereupon did authorize the Right Honorable the Lord Marques of Ormonde, *to Treat, of and conclude the ſaid Ceſſation, with the ſaid confederate Catholiques. Know yee that wee the ſaid Councell, by the expreſſe order and authority of the ſaid Catholiques, by them conceaved, and granted in their generall Aſſembly, held at* Kilkenny, *on the* 20. *day of the laſt Month of May, and in purſuance of the ſaid order and authority, repoſing ſpeciall truſt and confidence, in the wiſedome, circumſpection, provident care, honor and ſincerity, of our very good Lords,* Nicholas *Lord Viſcount* Gormanſton, Donnogh *Lord Viſcount* Muskery, *and our welbeloved, Sir* Lucas Dillon, *Knight. Sir* Robert Talbott, *Barronet.* Tirlagh ô Neile, *Eſquire.* Geffrey Browne, *Eſquire.* Ever Magennis, *Eſquire. and* Iohn Walſh, *Eſquire. Have conſtituted, appointed and ordained, and by theſe preſents doe conſtitute, appoint, vnd ordayne, the ſaid* Nicholas *Lord Viſcount* Gormanſton, Donnogh *Lord Viſcount* Muskery, *Sir* Lucas Dillon, *Knight. Sir* Robert Talbott, *Barronet.* Tirlogh ô Neile, Geffrey Browne, Ever Magennis, *and* Iohn walſh, *our Commiſſioners, and doe by theſe preſents give and grant unto our ſaid Commiſſioners, or any five, or more of them, full power and authority, to Treat with the ſaid Lord Marques of* Ormonde, *of a Ceſſation of Armes, for one whole yeare, or ſhorter, and to conclude the ſame for the time aforeſaid, upon ſuch termes, conditions, and Articles, as to the ſaid Commiſſioners as aforeſaid in their judgements, conſcience, and diſcretion, ſhall be thought expedient. By theſe preſents ratifying, and confirming. whatſoever act or acts, our ſaid Commiſſioners as aforeſaid ſhall doe or execute,*

concerning

concerning the said Cessation. Given at Kilkenny, *the* 20. *of* June, 1643.

Mount Garret. Castle-Haven Audley.
Malachias Arp. Tuamen, Fr. Tho. Fleming,
Arp. of *Dublin*, Primate of *Ireland*. Maurice
Derupe et Fermoy. Nettervile. Nicholas
Plunket. Edm. Fitz Maurice. Patrick
Darcy. Rob. Linch. R. Bealing.

This is a true coppie of the Commission granted to us.

Gormanston. Muskery. Lucas Dillon.
Robert Talbott. Tirlogh ô Neile. Geffrey Browne.
Ever Magennis. John Walsh.

I Haue receaved a coppie of your authority to Treat with mee, and I send you a coppie of His Majesties Letter directed unto mee, as you desire, and now I expect that you descend to particulars,

ORMONDE.

WE haue received a coppie of His Majesties Letter, of the third of *May* last, which wee find to be meerely relative to the former Letter, of the three and twentieth of *Aprill*, whereof wee conceave it very necessary, and desire to haue a view, and a coppie. And further wee must

insist that our authority, is to Treat with your Lordship only, and therefore desire that our propositions be not imparted to any other, before a conclusion.

Gormanston. *Muskery.* *Lucas Dillon.*
Robert Talbot. *Terlogh ô Neale.* *Geffrey Browne.*
Ever Magennis. *John Walsh.*

BY His Majesties Letter of the third of *May*, whereof I haue sent you a coppie, His Majesty doth positively affirme, that he hath giuen me His Command by His Letter, of the three and twentieth of *Aprill*, to Treat and agree upon a Cessation of Armes, for one yeare. and you may rest satisfied, that I am sufficiently authorized, to proceed with you in this Treaty, and that your propositions shall not be imparted to any other before a conclusion, farther then I find it necessary for His Majesties service in this Treaty, and as to your authority to Treat with me only, my former answer was that you Treated only with me, which may give you satisfaction, and therefore I doe expect you descend to particulars.

ORMONDE.

ALbeit wee doubt not your Lordship is sufficiently authorized to Treat with us, yet we are not satisfied why wee may not haue a sight, and coppie of His Majesties Letter, of the three and twentieth of *Aprill*, being that

that (as wee conceave) which giues power to your Lordſhip, and ſecures our proceedings, yet to husband time, upon promiſe that wee ſhall haue a coppie of that Letter before our parture, wee will imediately deſcend to particulers.

Gormanſton. *Muskery.* *Lucas Dillon.*
Rob. Talbot. *Terlogh ô Neile.* *Geffrey Browne.*
Ever Mageunis. *John Walſh.*

TO ſatisfie your deſires, I doe promiſe you, that upon the agreement of the Treaty, when it is to be perfected, you ſhall ſee His Majeſties Letter, of the three and twentieth of *April*, and after the perfecting haue a coppie of the ſaid letter. And I am now ready to receive your propoſitions.

ORMONDE.

SOone after the ſaid Viſcount *Gormanſton*, *Muskery*, *Lucas Dillon*, *Rob. Talbot*, *Terlogh ô Neile*, *Jeffrey Browne*, *Ever Magennis*, and *John Walſh*, ſent a Meſſage, deſiring to ſpeake with the ſaid Marques, which being admitted (and all thoſe of His Majeſties Privie Counceil retired) they came in and deliuered his Lordſhip a paper, conteyning ſeverall propoſitions, which the ſaid Marques put up, and (it being late) his Lordſhip appointed the

the next day at one of the clocke, for the next meeting.

I Obſerve that the paper conteyning propoſitions, which you delivered unto mee the laſt night, is not dated or ſigned, and therefore I doe returne the ſame unto you, expecting that what you ſhall propoſe unto mee, may be dated, and ſubſcribed by you, according to the courſe hetherto obſerved, and my anſwers ſhall be returned in like manner.

ORMONDE.

For to ſave time and expedite the ſervice, wee haue dated and ſigned our propoſitions, which wee did forbeare to doe the laſt night, in regard they were not agreed upon.

Gormanſton. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlagh ô Neale.* *Geffrey Browne.*
Ever Magennis *John Walſh.*

I Deſire to underſtand from you, what you intend by theſe words in your laſt Meſſage, which wee did forbeare to doe the laſt night, in regard they were not agreed upon.

ORMONDE.

By

By theſe words in our former meſſage, *viz.* which we did forbeare to doe laſt night in regard they were not agreed vpon: we intended that Propoſitions offred by vs, were not neceſſarie to be ſigned before your Lordſhip did agree vnto them, but to redeem time and expedite the Service haue Signed them before any ſuch conſent or agreement.

Gormanſton. *Muskery.* *Lucas Dillon,*
Robert Talbott. *Tirlogh ô Neile.* *Geoffry Browne.*
Ever Magennis. *Iohn Walſh.*

Not admitting the title, or name attributed by you vnto them, in whoſe behalfe the Propoſitions ſigned by you are made, and likewiſe not admitting the Proteſtation that they tooke Armes for ſuch cauſe as in the Proteſtation is expreſſed: I doe returne my anſwer to the firſt Propoſition as followeth. That I haue noe Authority to conclude vpon A Ceſſation of Armes for any other time then is Commanded by His Majeſty. And for ſuch time I ſhall conſent to A Ceſſation between all His Majeſties Subjects of this Kingdom, vpon ſuch Tearms, and Limmitations as ſhall be agreed upon.

ORMONDE.

VVE haue received your Lordſhips meſſage concerning our title, & Proteſtation, & likewiſe an anſwer to the Propoſition for the time of Ceſſation. But your Lordſhip is not to expect a reply from vs, vntill we

 receive

receive anſwers to all the particulers by vs propounded.

Gormanſton. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne*
Ever *Magenis.* *Iohn Walſh.*

VNleſſe you expreſſe your deſires, that the time of Ceſſation may be for the time Limmitted by His Majeſty, there needs noe further anſwer to any of your Propoſitions, and in caſe you doe. I am to propound ſome tearms for His Majeſty, which will require anſwers before it can be fit for me to anſwer all the particulers by you propounded.

ORMONDE.

If in your Lordſhips opinion a twelve moneths time of Ceſſation ſhall conduce more to His Majeſties Service then a ſhorter time. We will yeeld therevnto, ſoe other matters be concluded & agreed betweene your Lordſhip and vs. And as to the tearms to be propoſed by your Lordſhip in His Majeſties behalfe. We will receive & take them to Conſideration.

Gormanſton. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne,*
Ever Magennis. *Iohn Walſh.*

By

BY His Majeſties Letter, whereof I ſent you a Coppy, one years time is appointed for a Ceſſation of Armes. And therfore I may not Treat for any other time, and I expect that you doe Poſitivelie declare your ſelves in that particular, (in caſe other matters ſhalbee agreed on) and that before I Propound any thing on His Majeſties behalfe this be cleared.

ORMONDE.

IN caſe other matters ſhall be agreed on, We doe conſent that a twelve month be the time of Ceſſation.

Gormanſton. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne.*
Ever Magennis. *John Walſh.*

THere is a great Army of Horſe and Foot in this Kingdome, raiſed by His Majeſties Command, and by Vertue of His Majeſties Commiſſions, which muſt be mainteyned, during the time of Ceſſation, (in caſe a Ceſſation be agreed upon) and therefore I doe expect that you make offer unto mee in His Majeſties behalfe of ſupply to be raiſed by you, for the maintenance of His Majeſties Army.

ORMONDE.

VVHen the Kingdome is put in ſuch a condition, as they ſhall know what they have to give, We are well aſſured they will aſſiſt His Majeſty to the utmoſt of their abillityes, as upon all occaſions heretofore they have done. For our parts, wee come to Treat & conclude a Ceſſation of Armes, to gaine an opertunity to ſettle a right underſtanding between His Majeſty and His People, and to better the ſtate of a Kingdome much waſted and deſtroyed, thereby to be enabled, to performe acceptable ſervice to His Majeſty, till which, wee can make noe ſuch offer as is expected by your Lordſhip, and therefore deſire your Lordſhip will be pleaſed to give anſwer to our Propoſitions.

Gormanſton. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Terlogh ô Neile.* *Geoffrey Browne.*
Ever Magennis. *John Walſh.*

I Doe conceive by the authority, whereof you gave me a coppie, that you are directed to treat with me, for a Ceſſation of Armes, upon ſuch tearmes, conditions, and Articles, as to you ſhall be thought expedient. And ſince you are like to gaine ſo much benefit by a Ceſſation, as you doe expreſſe in your laſt. I doe expect that according to my former propoſition, you declare your ſelves, whether or no, you will Treat for rayſing meanes towards the maintenance of His Majeſties Army, during the Ceſſation. And then I will proceed to the anſwer of ſome of your propoſitions, before

fore I offer any more.

ORMONDE.

On this day it was appointed by the ſaid Marques that the next meeting ſhould be at *Sigginſtowne*, the next day.

At Sigginſtowne *they ſent the Marques this meſſage.*

VVE haue noe other authority, then that whereof we gave your Lordſhip a Coppy, and that is Limmitted onely in the tearmes and conditions of Ceſſation to our Iudgements, Conſcience, and diſcreations.

The Benefit we expect by the Ceſſation is future, and then Equall to all His Majeſties good Subjects, and His Majeſties owne Intereſt and Service therein, moſt of all concerned, as the condition of the Kingdome, and affaires with vs now ſtand. We conceive not, how we may vndertake the rayſing of Supply for the Maintenance of an Armie. Yet will not denie to Treat of any thing your Lordſhip will propoſe.

Gormanſton. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne.*
Ever Magennis. *Iohn Walſh.*

IN your anſwer to my Laſt Meſſage, you ſay that as the condition of the Kingdom, and affaires ſtand with you, you conceive not how you may vndertake the rayſing of ſupplie for the Mainetenance of an Armie, yet will not denie to Treat of any thing I will propoſe, which anſwer not being cleare or Satiſfactorie vnto mee. I deſire to know your reſolutions, whether you will Treate for rayſing of Supply towardes the Mainetenance of His Majeſties Army, in caſe wee agree on a Ceſſation of Armes, & other things therevnto conducing.

ORMONDE.

IN Caſe the Ceſſation bee firſt agreed vpon, wee will Treate of any Propoſitions your Lordſhip will propoſe vnto vs, for rayſing a Supply for His Majeſty. Not intending that an aſſent to a treaty of this ſhall engage vs further then vpon full concluſion & agreement we ſhall ſee cauſe.

Gormanſtone. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Brown.*
Ever Magennis. *Iohn Walſh.*

I doe not intend to agree to a Ceſſation of Armes, vntill you declare whether you will giue ſupply to his Majeſty, towards the mainetenance of His Army, which yet ſhall not bee binding vnto you, in caſe the Ceſſation bee not agreed on between

tween vs, and in regard your Anſwer touching your Authority, as vnto this Particuler is not plaine, but obſcure and doubtfull, I deſire that you will declare your ſelves, whether you haue power to Treat and conclud of giving Supply to His Majeſty towards the maintenance of His Majeſties Forces in this Kingdome. Wherein if I receive Satiſfaction. I ſhall proceed in anſwering your Propoſitions.

ORMONDE.

THis day (being the 28. day of *Iune*) the ſayd Viſc. *Gormanſton*, *Muskery*, *Lucas Dillon*, *Robert Talbott*, *Tirlogh ô Neile*, *Geoffrey Browne*, *Ever Magennis*, and *Iohn Walſh*, Sent a Letter to the ſaid Marques, with the Meſſage hereafter written incloſed therein.

MAy it pleaſe your Lordſhip, wee arived here ſoe late the laſt night, bogged and much toyled in our Iourney, that wee cannot waite vpon your Lordſhip this day in any fit time. And therefore deſire your Lordſhip to hold vs excuſed, and that you will bee pleaſed to appoint a time and ſome convenient place where wee may waite on your Lordſhip to morrow morning, in the interim that this day be not wholly loſt, wee haue ſent the incloſed anſwer to your Lordſhips laſt meſſage, and deſire that for ſaving of time, your Lordſhip returne vnto vs by the ſame meſſenger what further meſſage or anſwer you ſhall thinke fit, ſoe expecting to receive your Lordſhips

ſhips Commands. wee reſt.

Allon. 28 Iunij, 1643.

Your Lordſhips humble Servants.

Gormanſton. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne.*
Ever Magennis. *Iohn Walſh.*

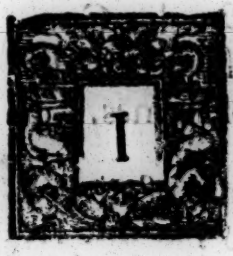
For the Right honorable the Lord *Marques* of *Ormonde.*

VVE are reſolved to make noe further Declaration in the matter of Supply, other then what we haue done already, and as to our Authority it is the ſame your Lordſhip hath ſeene, and heard read. We haue noe other Authority, nor any thing elſe to limmitt the power of that, ſoe as if our anſwer touching it in any particuler be obſcure or doubtfull, we cannot make it more cleere, then as it is expreſſed in our Commiſſion, wherof your Lordſhip hath a true coppie vnder our hands, and therfore deſire that your Lordſhip will proceed in anſwering our Propoſitions.

Germanſton. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne.*
Ever Magennis. *Iohn Walſh.*

Whereupon

VVherevpon His Lordſhip returned this Anſwer.



Haue received your Letter of this dayes date, and the anſwer to my laſt meſſage, and you ſhall heare further from mee to morrow, at your comming to this place, where I will expect you at what houre you ſhall thinke fit.

ORMONDE.

At *Sigginſtowne* the 28 of Iune. 1643.

For the Lord Viſcounts of *Gormanſton* & *Muskery*, Sir *Lucas Dillon* Knight Sir *Robert Talbott* Barronet *Torlogh ô Neile*, *Geoffery Browne*, *Ever Magennis*, and *Iohn Walſh*. Eſquires.

Doe ſend my anſwer to your propoſitions, together with ſome Demaunds, on His Majeſties behalfe, wherevnto I do expect your ſpeedy anſwer.

ORMONDE.

Propositions offered to the right Honorable the *Lord Marques of Ormonde.*

In the behalfe of His Majesties Subjects the Confederate Catholiques of *Ireland* in pursuance of His Majesties Commission for Cessation of Armes.

THat the most humble and heartty thanks of His said Subjects be represented vnto His Majesty, in that He was graciously pleased so farre to give eare vnto their humble requests, as to grant this present Commission, notwithstanding the dayly Labour, and practise of their adversaries, to alienate the heart of soe Gracious a King from soe faithfull a People.

1. That there shall be a Cessation of Armes, and of all Acts & Hostility, between the Confederate Catholiques of this Kingdome, and all other His Majesties Subjects that doe not side with, or adhære vnto the malignant party in Armes against His Majesty or His Authority, this Cessation to continue for six months.

2. *Item.* That the Governement, jurisdiction, Command and Power now exercised, or hereafter to be established by the said Catholiques Confederates over their party, and adhærents, shall continue without interruption during this Cessation.

3. *Item.* That during this Cessation, there shall be free

free commerce and Traffique between the ſaid Catholiques, and all other His Majeſties Subjects, not ſiding with the malignant party, And all other in league with His Majeſty by Sea, and Land, and that no interruption ſhall be given by any His Majeſties Shipps, or the Shipps, of His Subjects, or His Majeſties Forts, or other Forces, to any Shipp or Shipps, that ſhall trade with the ſaid Confederate Catholiques, or any of them, or come in, or goe out, of any of the Citties, Townes, Harbours, Creeks, or Ports of this Kingdome, with Armes, Ammunition, Merchandize, Commodities, or any other thing whatſoever to, or for the uſe of the ſaid Catholiques, or any of them, or to them to be ſold.

4. *Item.* That the ſaid Catholiques, and their adhærents may uſe all Acts of Hoſtility by Sea, and Land, againſt His Majeſties Enemies, and all others that are or ſhall be in Armes againſt His Majeſty, and their adhærents.

5. *Item.* If any in His Majeſties Dominions, ſhall take Armes, or exerciſe acts of Hoſtility by Sea, or Land, againſt His Majeſty or any of His Subjects, compriſed within this Ceſſation, during the continuance thereof, that ſuch ſhall be deemed Enemies, or Rebells, to His Majeſties Crowne and dignity, and may be proſecuted accordingly by the ſaid Catholiques.

6. *Item.* If any of the Kings enemies, or others doe, or ſhall oppoſe, aſſault, offend, or ſeeke to offend, or prejudice, the ſaid Catholiques, or any of them, or their adhærents, or any that ſhall trade, or traffique with them, by Sea, or Land, that in ſuch caſe, the ſaid Catholiques, and their adhærents, and ſuch as ſhall trade and traffique with

them, and every of them shall be assisted and protected by His Majesties Forces, Forts, and other power, and every of them, by Sea, and Land, as occasion shall happen during this Cessation.

7. *Item.* That during this Cessation, the said Catholiques may at any time, send Agents to His Majesty, as they shall thinke fit, and such Agents to haue safe conduct, for their free comming and goeing.

8. *Item.* That all prisoners, and hostages, of either side, shall be enlarged.

9. *Item.* That His Majesty will be gratiously pleased, to call a free Parliament in this Kingdome, for redresse of greivances, to sit, on, or before the last day of *September*, next, the said Parliament to be houlden either before His Majesty in His Royall Person, or some other person, or persons of Honour and fortune, of a proved faith to His Majesty, and acceptable to His people of this Kingdome, in a convenient and indifferent place, and that before that time the said Catholiques be put in such a condition, as no matter or thing happening since the beginning of these troubles, or whereof complaint is made in their remonstrance, lately presented to His Majesty, by vertue of His Highnesse Commission under the great Seale of *England* bearing date the of and directed to the Marques of *Ormond* and other, may debarre the said Catholiques from comming or sending to the said Parliament, or give interruption to their free Votes, or sitting in the said Parliament. And that if any other Parliament, in this Kingdome doe pretend to continue that His Majesty

jeſty will be pleaſed to diſſolve it, before the calling of the ſaid free Parliament.

10. *Item.* That vpon concluſion of this Ceſſation, away be preſcribed to diſtinguiſh thoſe of the Kings party from ſuch as doe adhære to the malignant party of the Parliament of *England*,

THeſe Propoſitions we offer in Purſuance of His Majeſties letters, of the three and twentith of *Aprill.* & third of *May* laſt, in the behalfe of the Catholiques in this Kingdome, with proteſtation that the ſaid Catholiques tooke Armes, in defence of their Religion, His Majeſties Rights, and Prerogatives, and the Liberties of this Kingdome, and noe wayes to oppoſe His Majeſties Authority, ſtill reſerving to themſelves to propoſe and offer ſuch further matter, concerning this Ceſſation, as they ſhall ſee cauſe.

Gormanſtone. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Torlogh ô Neile.* *Geoffery Browne.*
Ever Magennis. *Iohn Walſh.*

The *Marques* of *Ormonds* Anſwer.

NOt admitting the title, or name attributed by you unto them in whoſe behalfe the propoſitions ſigned by you are made, and likewiſe not admitting the Proteſtation, that they tooke Armes for ſuch cauſe as in the Proteſtation is expreſſed.

1. To the first Propoſition I anſwer, that there ſhall be a Ceſſation of Armes, and of all Acts of Hoſtility, between you, and all ~~other~~ His Majeſties Subjects, according to the Limitations Conditions, agreements and Proviſions hereafter expreſſed in my particuler anſwers to your propoſitions, if the ſame ſhall be agreed on between Us upon concluſion of this Treaty, as alſo upon ſuch Conditions, Cautions, and Proviſions, as ſhall be agreed unto upon ſuch demands as are made, or to be made by mee on His Majeſties behalfe, and particulerly touching ſuch ſupplies, as are to be given by you, towards the mayntenance of His Forces in this Kingdome, the ſaid Ceſſation to continue for one whole yeare from the time to be agreed upon between Us.

2. To the ſecond, I may not undertake for the continuance of any Government, Iuriſdiction, Command or Power, other then ſuch as is erected by His Majeſties Authority, and warranted by the Lawes and Statutes of this Kingdome.

3. I doe aſſent to the third Propoſition, touching a free commerce and traffique, according to the qualifications following, *viz.* That during the ſaid Ceſſation, there ſhall be free paſſage, intercourſe, commerce, and traffique betweene you and all other His Majeſties Subjects, within this Kingdome of *Ireland*, and all others in league with His Majeſty, by Sea and Land, you paying unto His Majeſties Officers ſuch Cuſtomes, Impoſitions, and other duties, as were uſually paid unto His Majeſty in the yeare 1640. for the Collection whereof, ſuch officers are to be appointed, as to the Lords Iuſtices, or other Cheife Governor, or Governors of this Kingdome, ſhall be

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thought fit, for whoſe ſecurity and the returne of the ſaid Cuſtomes to His Majeſties Exchequer, you ſhall give ſufficient caution, and that within twenty dayes after the beginning of the ſaid Ceſſation. And that no interruption ſhall be given by any Shipps, or other Veſſells of what Countrey or Nation ſoever, under the power and command of, or waged, imployed, or contracted with, by or in the behalfe of you, or by any Forts, Garriſons, or Forces within this Kingdome under your power, to any Shipp or Shipps, or other Veſſell, that ſhall trade in any part of this Kingdome, or that ſhall come in or out of this Kingdome, to that end during the ſaid Ceſſation, as on the other ſide, no interruption ſhall be given by any Shipps, under His Majeſties power and command, or by any of His Majeſties Forts, Garriſons or Forces, within this Kingdome, to any Shipp or Shipps, that ſhal trade with you, or that ſhal come in or out of this Kingdome, to that end during the ſaid Ceſſation; *Provided*, that any of your Cleargy of what quality or degree ſoever, ſhall not be admitted to haue any intercourſe, commerce or traffique, by Sea or Land, within our quarters, under collour or countenance of this Article. And provided alſo that under colour of this Article, any Officer of the Army, or Souldiers of either ſide, ſhall not be admitted without licence from the Commander in cheife of the Armies on both ſides, to paſſe or repaſſe unto any of the Garriſons on the contrary ſide.

4. I conceive it not proper for mee, to make anſwer to your fourth Propoſition.

5. 6. To the fifth and ſixt Propoſitions, I cannot agree in ſuch manner as is deſired, but I doe agree that if any Army or Forces in this Kingdome, raiſed by His Majeſties authority,

authority, or any part of them, or any other His Majesties Subjects, shall not yeild obedience to the Articles of Cessation, but shall publikely stand in opposition thereunto, that you may prosecute them, and that they shall not be assisted protected or defended against you, by His Majesty or any of His Forces. And yet nevertheless, that the same shall not be understood to be any breach of Cessation as to the other parts of the Kingdome, which shall conforme and yeild thereunto. And if in other cases it be pretended on either side that the Cessation is violated, that yet no Act of Hostility is immediately to follow, but first the party complaining, is to acquaint the Lord Generall, Leiuetenant Generall, or other cheife Commander of either side in that Province, in which the said Cessation is pretended to be violated therewith, and to allow foureteene dayes after notice given, for reparation or satisfaction, and in case reparation or satisfaction be not given or tendred, then 14. dayes notice to be given, before Hostility begin; And as to trade and traffique, it is sufficiently answered, in the answer to the third Proposition.

7. To the seaventh Proposition, I returne you answer, that in case a Cessation be agreed on, you may at any time during the said Cessation, send Agents to His Majesty as you shall thinke fit, so as none of them be Cleargy-men, and so as they doe not exceed the number of foure, and their retinue sixteen, none of them being Cleargy-men. And that such Agents and their said retinue, shall haue safe conduct in writing from the cheife Governor, or Governors of this Kingdome, for the time being, for their free going and comming. And that you shall not send any Agents to His Majesty, without first sending the names of such Agents to the Lords Iustices, or to

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the Cheife Gouernor or Gouernors of this Kingdome, for the time being, and demanding ſuch Lycence which ſhall be granted on demand.

8 That vpon the ſaid Ceſſation, all perſons that on the firſt day of the ſaid Ceſſation ſhal not ſtand indicted of any Capitall offence or that haue not borne Armes on either ſide, and all Women and Children either impriſoned or otherwiſe reſiding with either ſide, ſhall within ſeauen dayes after the beginning of the ſaid Ceſſation, on both ſides be ſet at liberty, and permitted to depart to what place they pleaſe with their Goods, and Chattles, without interruption.

9 To the Ninth, which concernes the calling of a new Parliament, and diſſolving of this, I cannot aſſent vnto it.

10 To the laſt, I anſwer as to the fourth.

Demands made on *His Majeſties* Behalfe to the Viſcount *Gormanſton*, viſc. *Muskery*, Sir *Lucas Dillon*, Sir *Robert Talbott*, *Torlogh ô Neile*, *Geoffery Browne*, *Ever Magennis*, and *Iohn Walſh*, Eſquires. Appointed to treate touching A Ceſſation of Armes.

1. That you giue a ſupply towards the maintenance of His Majeſties Forces in this Kingdome, part in mony, and part in Cattle, and Corne, and that one third part thereof

be payed within dayes after the conclusion of this Treaty for Ceſſation, if it be agreed upon, and the reſt at three, and three moneths end, after the date hereof, to be paid to ſuch of His Majeſties Officers as I ſhall appoint for the vſe of the Forces within this Kingdome; raiſed by His Majeſties Authority, and that you will declare what Supply you will giue for; and towards their maintenance, during the ſaid Ceſſation.

2. That it be agreed how farr the quarters of each party ſhall extend, and that the Forces of neither ſide ſhall advance neerer to each other, then ſhalbe agreed on; upon this Ceſſation, otherwiſe then in paſſage and Com nunication; betweene their ſeverall quarters, reſpectively by licence, without any Acts of Hoſtility each to other.

3. That ſufficient Caution be given for the payment, of what you ſhall undertake to give vnto His Majeſty towards the maintenance of His Forces, and the performance of the reſt of the Articles, which on your part are to be undertaken, & that you will declare what Caution you will giue for both.

4. That if any Towne, Caſtle, Fort, Houſe, or other place be gained by either ſide, vpon, or after, the firſt day of the ſaid Treaty, the ſame within dayes after the beginning of the ſaid Ceſſation to be reſtored in the former Condition, with all Ordnance, and Armes found therin, to thoſe that formerly poſſeſſed the ſame; or to ſuch other perſon or perſons as ſhall be nominated by the Lord Generall, Lieutenant Generall, or Com nander in chiefe of the Army on either ſide, And that noe Fortification be erected on either ſide during the ſaid Ceſſation.

Reſerving to my ſelfe power to propoſe ſuch further matter

matter concerning this Treaty & ſupply as I ſhal ſee cauſe.

ORMONDE.

VVE haue received your Lordſhips Anſwer to our Propoſitions, & likewiſe your Lordſhips Demands in His Majeſties behalfe both which being of high Conſequence, require a Serious Conſideration, and will take vp ſome length of time. We deſire therefore that your Lordſhip will be pleaſed to adjourne this meeting till Thurſday come Sevenight, at which time we will waite on your Lordſhip at ſuch Convenient place as you ſhall appoint, and endeavour to bring this Treaty to ſuch a Concluſion as may moſt conduce to His Majeſties Seruice and the good of this Kingdome.

Gormanſton. *Muskery.* *Lucas Dillon.*
Robert Talbot. *Terlogh ô Neile.* *Geoffrey Browne.*
Ever Magennis. *John Walſh.*

Dated at *Sigginſtewne* the firſt of *Iuly.* 1643.

I Haue received your deſires for adjourning this meeting to Thurſday next come Sevenight, and ſeeing I haue returned anſwer to your Propoſitions, in as little time as conveniently I could, I doe expect that you ſend vnto me your anſwer to the Demands I made vnto you on His Majeſties

 behalfe

behalfe by that day. And then I shall meete you here on the Tuesday after to Treat further of the matters in hand if God permit

ORMONDE.

Our very good Lord.

WE Send your Lordship here inclosed our answers to your Demands, dated the Nine and Twentith day of *Iune*. And according the time set downe in the Message of the first of this moneth. We will with Gods permission meete at the place appointed by your Lordship to Treat further of the matters in hand, Soe we rest.

Kilkenny 12. *Iuly*, 1643.

Your Lordships humble Seruants.

Gormanston. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne,*
Ever Magennis. *John Walsh.*

For the right honorable the Lord Marques of *Ormonde.*

Iuly the 12. 1643.

Answer made by us to the Demands made by the Right Honorable the Lord Marques of *Ormonde*

In

In His Majesties behalfe.

To the first demand,

WE doe not find that this Demand is warranted by His Majesties letters, and therefore not necessary for vs to answer thereunto, neither doe we conceive it proper for vs to vndertake the same. Yet to expresse our Duty & Affections We are resolved vpon the conclusion of this Cessation to grant a Supply to His Majesty and for the quantity, the manner, and time of payment thereof wee referre the same to our meeting and conclusion.

To the 2. demand.

WE will consent to the second Demand in such manner and forme as shall be agreed upon at our meeting.

To the 3. demand.

What we intend to giue to His Majesty shall be a free gift which hetherto did not require Caution from the Subjects of this Kingdome, and for the Caution for the performance of Articles, We shall agree to an equall course at our meeting.

To the 4 demand.

This Demand being reduced to particulers, at our meeting, We will giue answer unto it.

Gormanston. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne.*
Ever Magennis. *Iohn Walsh.*

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In His Majesties behalfe.

To the first demand,

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ORMONDE.

Our very good Lord.

WE Send your Lordship here inclosed our answers to your Demands, dated the Nine and Twentith day of *Iune*. And according the time set downe in the Message of the first of this moneth. We will with Gods permission meete at the place appointed by your Lordship to Treat further of the matters in hand, Soe we rest.

Kilkenny 12. *July*, 1643.

Your Lordships humble Seruants.

Gormanston. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne,*
Ever Magennis. *John Walsh.*

For the right honorable the Lord Marques of *Ormonde.*

July the 12. 1643.

Answer made by us to the Demands made by the Right Honorable the Lord Marques of *Ormonde*

In

In His Majesties behalfe.

To the first demand.

WE doe not find that this Demand is warranted by His Majesties letters, and therefore not necessary for vs to answer thereunto, neither doe we conceive it proper for vs to vndertake the same. Yet to expresse our Duty & Affections We are resolved vpon the conclusion of this Cessation to grant a Supply to His Majesty and for the quantity, the manner, and time of payment thereof wee referre the same to our meeting and conclusion.

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To the 4 demand.

This Demand being reduced to particulers. at our meeting, We will giue answer unto it.

Gormanston. *Muskery.* *Lucas Dillon.*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne.*
Ever Magennis. *John Walsh.*

Iuly the 15. 1643.

I Received yours of the twelfth of *Iuly* 1643. the fourteenth of the ſame, and although I expected more particular & Satiſfactory anſwers from you to the demands made by mee on His Majeſties behalfe, yet I ſhould haue given you meeting at the day formerly intended for the further proceeding on the Treaty, but that the neceſſity of my attendance otherwiſe upon the publique Service of His Majeſty will not permit mee to meet you, on that day; however when the preſent occaſion ſhall be over, I intend to appoint another time of meeting to Treat further with you, whereof in ſuch caſe timely notice ſhall be ſent you from mee.

ORMONDE.

Our very good Lord.

BY your Lordſhips of the fifteenth of this inſtant, Wee underſtand that the meeting appointed, for the Treaty of Ceſſation, is deferred to an uncertaine time by reaſon of a neceſſity of your Lordſhips attendance otherwiſe upon the publique Service of His Majeſty. And although we conceive this Treaty to be of the greateſt conſequence of any Service to be effected for His Majeſty within this Kingdome. Yet we are not apt to giue an ill conſtruction to the laying of it by, for the preſent vntill we ſhal know of that ſervice that taketh place of it, which (being for the advantage of His Majeſties intereſts) Wee heartily wiſh, may haue good ſucceſſe. Yet your Lordſhip

will give us leave to take notice that we meete in theſe as in all other proceedings (whereby we may haue any expectation to enjoy the benefit of His Majeſties grace and favour) ſome interruption and ſlacknes in conveighing any part of his good intentions to his faithful Subjects the Catholicks of *Ireland*. Which we may ad to our other grievances, and will indeavor in diſcharg of the many harmes which may enſue by reaſon of this protraction to have it rightly repreſented to His Majeſty. Thus we reſt.

Kilkenny 19. *July*. 1643.

Your Lordſhips humble Servants.

Muskery. *Lucas Dillon.*

Robert Talbott. *Terlogh ô Neile.* *Geoffrey Browne.*

Ever Magennis. *John Walſh.*

July the 21. 1643.

Your joynt Letters of the ninteenth, in anſwer of mine of the fifteenth, came to my hands on the one and twentith of this moneth. Wherunto I return you this anſwer.

THat you may remember how by my ſaid letters of the fifteenth, I ſignified unto you, that I ſhould haue given you meeting at the day formerly intended, for the further proceeding on the Treaty, but that the neceſſity of my attendance otherwiſe, upon the publique ſervice of

of His Majesty, did not permit mee to meete you on that day. Yet I then declared that when that occasion were over, I intended to appoint another time of meeting to Treat further with you, whereof in such case I could you timely notice should be sent you, which I thus repeate as marvelling how, from what I haue so written, it may be gathered that the matter is so layd aside as your Letters seeme to intimate, and for your pretence of unaptnesse to give an ill construction thereof, untill you know of that Service which takes place of it, I must tell you, I am not accomptable with the knowledge of any His Majesties Services wherewith I haue the Honor to be entrusted, to any but to His Majesty, and to those with whom He hath entrusted the Government of this Kingdome.

I cannot passe over one particular in your Letters, wherein you pretend that in this you meete with some slackneſse, which you say you may adde to your other greivances, and will endeavour to haue it rightly represented to His Majesty, towards whose service I doubt not to acquit my selfe as becomes mee, as in all other His Commands, so in this particular. And I conceive you may be satisfied by those my former Letters. And for the justnes & cleerenes of that defferring for a time, & some of the necessary reasons inducing it, you your selves cannot be ignorant thereof, whilest you know that *Preston*, with your Forces, approached so neere us as *Castle-Carbery*.

But I intend (as by my said former Letters I signified unto you) to appoint another time of meeting with you to Treat further of that matter, and in such case to send you timely notice thereof, when the other occasions of His Majesties Services, which haue occasioned this necessary defferring shall be over; and if you desire the advantage of His Majesties interests, as in your Letters you

pretend

pretend, then you will not hould this defferring, such a laying aside of the matter, as your Letters inferre.

ORMONDE.

E haue received His Majesties Letters directed to *Us*, Authorizing *Us*, to agree to a Cessation of Armes for a year, and for the better expediting thereof, We haue agreed that our very good Lord, the Lord Marques of *Ormonde*, who is joyned with *Us* therein, doe meete you at *Sigginstown*, neare the *Naas*, upon Thursday the Seventeenth of this *Aug.* To proceed with you upon the Treaty, where his Lordship left, whereof we haue thought fit by these our letters to giue you notice.

Dublin. Auguſt. the 5. 1643.

Iohn Borlase. *Hen. Tichborne.*

Ormonde.

For the Lord Viscount of *Germanston*. Lo. Visc. *Muskery*. Sir *Lucas Dillon*, Knight. Sir *Rob. Talbott*, Knight. *Terlogh ô Neile*, *Geoffrey Browne*, *Ever Magennis*, & *Iohn Walsh*, Esquires.

Right honorable
Our very Good Lords.

YOur Lordſhips Summons for a meeting with the Lord Marques of *Ormonde* at *Sigginſtowne* neere the *Naas*. Vpon the ſeaventeenth of this *Auguſt*. to proceed upon the treaty of Ceſſation where his Lordſhip left, we received at fiue of the Clocke yeſterday in the after noone, and in as much as wee ſaw noe poſſibility of complying with your Lordſhips deſire in the time of meeting: the Lord of *Muskery*, being in the parts of *Munſter* remoteſt from vs, & Sir *Lucas Dillon*, in the County of *Galway*, We thought it might befit vs, in their and the reſt of the Commiſſioners Abſence, who are diſperſed and farre off, to advertice your Lordſhips thereof, and by the advice of the Councell here to deſire your Lordſhips the laſt of this preſent *Auguſt* may be appointed the time of meeting, and in hope your Lordſhips will (as well for that reaſon, as that the Commiſſion formerly granted unto us, muſt be renewed, by reaſon of the addition of the commiſſioners added in His Majeſties laſt letters) nominate that day, they have diſpatcht a way directions to all thoſe formerly imployed to repaire vnto them to the end that upon the of this *Auguſt* in execution of that Service, the Marques of *Ormonde* may be attended upon by their Commiſſioners. We reſt.

Wexford 11. *Auguſt*, 1643.

Your Lordſhips humble Servants.

Torlogh ô Neile. *Geoffrey Browne.* *Ever Magennis.*

For

For the Lord Marques of *Ormonde*.

Dated at His Majesties Castle of *Dublin*, the 16. of *August*, 1643.

THe last night we received a letter signed by three of you, dated at *Wexford* the Eleaventh of this moneth desiring the Treaty of a Cessation on His Majesties letters to us directed, might be deferred till the last of this moneth. Now upon Consideration of the Season of the yeare, and of other matters concerning His Majesties Service, & Seeing that by your last letters Directed to our very good Lord, the Lord Marques of *Ormonde*, you intimated your dislike of deferring the former meeting, as of ill consequence in relation to His Majesties Service, albeit the same was occasioned by the advancing of your Armie, as is expressed in his Lordships letters of the one and Twentith of *July* we have thought fit to appoint Thursday the foure and twentith of this moneth for the Treaty at the place formerly assigned, to the end that accordingly you may prepare your Selves, that such an accompt may be given to His Majesty as by his Highnes letters are required.

Iohn Borlase. *Hen: Tichborne.*
Ormonde.

Right Honorable our very good Lords.

HOw ever the same necessities Continue upon vs for defferring the Treaty of Cessation, and that (Pre-

ſuming upon your Lordſhips allowance of our deſire to have the day of meeting put off to the laſt of this moneth) they grow more preſſing in regard Wee haue already written, to thoſe of the Commiſſioners who are abſent and haue appointed them to attend at that day, yet wee will force our way through all thoſe difficulties, which vpon the diſappointment of the laſt meeting we foreſaw would come thick vpon vs, to meet any thing that may conduce to His Majeſties ſervice: ſo as we doubt not vpon the ſame reaſon to prevaile with others of the Commiſſioners to poſt to *Sigginſtowne* where a ſufficient number of vs will attend the Lord Marques of *Ormonde* in execution of His Majeſties Commiſſion.

Waterford, this *20.* of *Auguſt. 1643.*

Your Lordſhips humble Servants.

Tirlogh ô Neile. *Geoffrey Browne* *Ever Magennis.*

Dated at His Majeſties Caſtle of *Dublin*, the *24.* of *Auguſt*, *1643.*

WE the Lords Iuſtices, and the Lord Marques of *Ormonde*, on the three and twentith of this moneth, between eight and nine of the clock at night received Letters from three of you, dated the twentith of *Auguſt*, 1643, concerning the now intended meeting at *Sigginſtowne*: in anſwer whereof, WE doe let you know, that the Lord Marques of *Ormonde*, is preparing

paring for his journey, and intends to be at *Sigginſtowne*, to morrow at night.

John Borlaſe. Hen. Tichborne.

Ormonde.

MEMORANDUM. That on the ſix and twentith day of *Auguſt*, 1643. The ſaid Viſc. *Muskery*, *Nicholas Plunkett*, Eſq. Sir *Richard Barnewell*, Barronet. Sir *Robert Talbott*, Barronet. *Tirlogh O Neile*, *Geoffrey Browne*, and *John Walſh*, Eſquires. Came to *Sigginſtowne*, and preſented themſelves to the ſaid Marques of *Ormond*, Lieuetenant Generall of His Majeſties Army, and retyred to another roome, and ſoone after the Marques ſent unto them to let them know, that his Lordſhip was ready to receive what they had to propound unto him, and then they ſent unto his Lordſhip this reply enſuing.

Auguſt, 26. 1643.

WE maintaining, and inſiſting upon the title, and name attributed by us unto the Confederate Catholiques of this Kingdome, in whoſe behalfe, wee haue ſigned the Propoſitions made by us; And likewiſe maintaining and inſiſting upon the Proteſtation, that they tooke Armes for ſuch cauſe, as in the Proteſtation is expreſſed; And renuing the requeſt made by us, that our humble and hearty thankes be preſented to His Majeſty, whereunto no anſwer was made by your Lordſhip.

1 To the first, wee reply that there shall be a Cessation of Armes, and of all Acts of Hostility betweene the said Confederate Catholiques, and all other His Majesties Subjects, for such time, as in the answer is expressed, according the limitations, conditions, agreements and provisions hereafter, and before the conclusion of this Treaty to be agreed upon betweene us.

2. We may not, but uphold the Government, Iurisdiction, command and power in the second Proposition mentioned, nor doe wee desire your Lordships undertaking for the continuing thereof, but that during this Cessation, no interruption be given thereunto.

3. To the third, concerning a free Commerce and Traffique, wee must insist upon our third proposition in manner and forme as it is set downe, and will assent to the like on your Lordships part. We likewise consent that under colour of that Article, any Officer of the Army or Souldiers of either side, shall not be admitted without Licence from the Commander in chiefe of the Army of both sides, to passe or repaire unto any of the Garrisons of the contrary side. And that the Customes accruing unto His Majesty, in the respective Ports of this Kingdome, to be received by that party in whose command, power, or possession the said Ports shall be, at the time when the Cessation shall be agreed on, to be applied to His Majesties Service, and defence of this Kingdome, and may not upon this Treaty, assent unto any other matter, or thing in the said answer expressed.

4. To the fourth, wee expect a more satisfactory answer, as desirous to assist and defend His Majesty against His

His enemies.

5. 6. To the fifth and ſixt, wee deſire the aſſiſtance of His Majeſties Forces, againſt all ſuch as ſhall oppoſe the Articles of this Ceſſation, and will not yeild obedience thereunto. And likewiſe an anſwer to the matter of trade and traffique, which as wee conceive is not anſwered in the anſwer to the third Propoſition, and for the other matters of this anſwer, wee are not like to vary.

7. To the ſeaventh, wee deſire that the ſeaventh Article be aſſented unto, as it is propoſed by us, without any other reſtriction or limitation.

8. To the eight. By this Propoſition wee intended all perſons taken in the field, or otherwiſe deteyned in priſon for any matter concerning the preſent cauſe, whereunto wee doe not finde a ſatisfactory anſwer to haue been given.

9. To the ninth Article, being of the higheſt conſequence, and greateſt importance, for the ſettlement of the Kingdome. We deſire to know what is the reaſon your Lordſhip cannot aſſent unto it.

10. To the tenth, wee doe not conceive, the reaſon why it ſhould not be proper for the Lieutenant Generall of His Majeſties Forces, to diſtinguiſh the Kings party from His enemies, and ſuch as fight againſt Him, & therefore deſire further ſatisfaction in that particular.

Muskery. Ni. Plunckett. R. Barnewell. Ro. Talbott.
Torlogh ô Neile. Geoffrey Browne. Iohn Walſh.

Anſwer

ANſwer returned, that on Munday morning the Eight and twentith of this moneth, they ſhall heare further from his Lordſhip.

Auguſt. the 28. 1643.

NOt admitting the title or name attributed by you unto them, in whoſe behalfe the Propoſitions were made. And likewiſe not admitting the Proteſtation, that they tooke Armes for ſuch cauſe as in the Proteſtation is expreſſed.

Touching your requeſt in your reply, delivered unto me on Saturday laſt, that your humble and hearty thanks may be preſented unto His Majeſty, the ſame ſhall be made knowne unto Him.

1. To the firſt Propoſition, touching a Ceſſation, the ſame ſhall be agreed on according the limitations, conditions, agreements and proviſions, hereafter and before the concluſion of this Treaty, to be agreed on, as was formerly expreſſed in my anſwer to your Propoſitions.

2. To the ſecond, I thinke it reaſonable, that it be agreed on, that there be no interruption given to any of your party, during the Ceſſation within the Quarters, hereafter on this Treaty to be limited unto you.

3. To the third, that it be agreed that a free paſſage, entercourſe, commerce and traffique, during the ſaid Ceſſation

tion ſhall be between you, and all other His Majeſties Subjects within this Kingdome of *Ireland*, and all others in league with His Majeſty by Sea and Land, And if any are to be accepted out of this commerce, the ſame are to be declared and excepted by His Majeſty after the beginning of this Ceſſation. And touching the Cuſtomes accruing to His Majeſty during the Ceſſation, that the ſame ſhall be received by ſuch perſon and perſons, and in ſuch manner as His Majeſty ſhall be pleaſed to direct, to be applyed to the Kings Service, and to the uſe of the Kingdome, as His Majeſty ſhall appoint.

4. To the fourth, the Treaty now on foote is touching a Ceſſation of Armes, & not touching Acts of Hoſtility.

5. 6. To the fifth and ſixt, touching the aſſiſtance of His Majeſties Army, againſt ſuch as ſhall oppoſe the Articles of this Ceſſation, and will not yeild obedience thereunto, or ſhall interrupt your Trade and Traffique, it is not to be ſuppoſed that there will be any ſuch, but if there ſhall, your deſires in this particular ſhall be made knowne to His Majeſty, and upon ſignification of His pleaſure, the ſame ſhall be obeyed, which being added to the former anſwer, I conceive may for the preſent be ſatisfactory to you.

7. To the ſeaventh, if a Ceſſation be agreed on, it will be aſſented unto, that you may at any time during the ſaid Ceſſation, ſend Agents to His Majeſty, the number whereof, and of their retinue to be enlarged as you ſhall deſire, and ſuch Agents to haue ſafe conduct in writing, from the chiefe Governor or Governors of this Kingdome, for the time being, for their free going and comming, ſo as

you doe not ſend any Agents to His Majeſty, without firſt ſending the names of ſuch Agents to the Lords Iuſtices, or other chiefe Governor or Governors, for the time being, and deſire ſuch Licence, which upon requeſt ſhall be granted.

8. To the eight, I may not by the Law of the Land, agree to releaſe any perſon or perſons, that ſtand indicted of any Capitall offence, for all others who are impriſoned, or otherwiſe reſtrained that have borne Armes on either ſide, it will be aſſented unto, that they be enlarged on equall tearmes, as heretofore hath been uſed, and that all Women and Children, either impriſoned, or otherwiſe reſtrained by either ſide, ſhall within ſeaven dayes after the beginning of the ſaid Ceſſation be freely, and without any condition ſet at liberty on both ſides, and permitted to depart to what place they pleaſe, with their goods and chattles without interruption.

9. To the Ninth, It is only in the power of His Majeſty to undertake for the calling and diſolving Parliaments, which was the reaſon why I did not conſent to your Propoſition.

10. To the Tenth, I cannot giue you any further anſwer then I haue already done.

And now I expect that you ſend vnto me your anſwers to my demands on His Majeſties behalfe.

YOur Anſwer dated the twelfth of *Iuly* laſt, to my demand for Supply for his Majeſties Armie, doth expreſſe no certainty of ſuch Supply as you will give, and therefore

therefore I expect you descend to particulars for the quantity, the manner, and time of payment.

I alsoe expect you descend to particulars touching the Quarters.

Also what Caution you will giue for performance of the Articles to be agreed on.

ORMONDE.

August the *29. 1643.*

WE maintaining the Title, Name, and Protestation in our first Propositions and Reply expresst.

1. To the first, we agree as in our reply we haue expressed.

2. To the second, we are Satisfied with your Lordships last answer thereunto.

3. To the Third, for asmuch as by your Lordships last answer the free Commerce, and Traffique. First by us propounded, to be betwixt us, and all other His Majesties Subjects is not further agreed unto then between us & all other His Majesties Subjects within this Kingdom. We desire the same as it was at first propounded, & if that be not granted, nor we admitted free Commerce and Traffique in other His Majesties Dominions, then, and in such case none other His Majesties Subjects of other His Dominions to haue free Commerce or Traffique with us. And touching such as are in your last answer to be excepted as

His Majesty shall declare after the beginning of this Cessation; we vnderstand that to be in answer of our desire to exclude free Commerce with any of the malignant partie in Armes against His Majesty. And therefore we Submit to such of them to be excepted as His Majesty shall thinke fit to debarr from the free Commerce and Trafique by us desired, and as concerning the Customes, those to continue as in the reply is expressed, untill upon Application made by our Agents to His Majesty a further direction & Settlement, be therein ordered, in the rest of the matters contained in this proposition, we find noe other variance betwixt our Propositions, and your Lordships last answer.

4. To the Fourth, we shall not presse for any further answer from your Lordship but shal endeavour as becometh Dutifull Subjects to annoy both by Sea, and Land His Majesties Enemies, and all others that are or shall be in Armes against His Majesty and their adhærents.

5. 6. To the fifth and sixt, we for the present rest Satisfied with your Lordships last answer.

7. To the Seaventh, It is not like we shall send any Agents to His Majesty without acquainting the Lords Justices therewith, yet wee hold it not fit that any such Condition be imposed on us, being against the Liberty of free borne Subjects.

8. To the Eight, we insist upon our first Proposition as agreable to the nature of Cessation, and the Law of Armes, and as wee conceive is warranted as well by the Law of the Land, as the exchange of one prisoner taken in Hostility for another.

His 9.

9. To the Ninth, we are Satisfied with your Lordsh[ip's] reason, and will in due time expect His Majesties royall pleasure therein.

10. To the Tenth, wee will presse this particular noe further for the present.

AS to the matter of Supply to His Majesty when all other the Articles of the Cessation be drawen to a conclusion, we shall declare the quantity, manner & time of payment thereof.

THe Proposition concerning the quarters first moved from your Lordship and therefore we desire that you will first descend to the particulars concerning the same.

AND as concerning the caution for performance of the Articles of Cessation. We shall engage the publike faith of our Party in the name of the Generall Assembly of the confederate Catholiques who entrusted us. And of the other parte, we desire that your Lordship doe assure us in His Majesties name of a due performance with us.

Muskery. *Nic. Plunckett.* *Rich. Barnewell.*

Robert Talbott. *Torlogh ô Neile.*

Geoffrey Browne. *John Walsh.*

August the 29. 163.

NOt admitting the Title, or name attributed by you vnto them, in whose behalfe the Propositions signed by you were made, and likewise not admitting the Protestation that they tooke Armes for such cause as in the Protestation is expressed.

To the third, It is to be agreed on, that there shall bee free and mutuall Commerce between you, and all His Majesties Subjects of all His Dominions during the Cessation without any exception, and that the disposition of the Customes and other matters thereupon depending, shall be ordered by His Majesty.

To the Seaventh, I doe not hold it convenient that any Agents to be by your party sent, should addresse themselves to His Majesty without licence from His Majesties Lords Justices, or other Chiefe Governor or Governors of this Kingdome (which is to be granted on Demand) And therefore I must insist upon it.

To the Eight, when prisoners come to be indicted at the common Law, they are out of the consideration of the Law of Armes. And I may not give any further answer to that demand then I have already done.

And now that the Propositions by you made; are thus farr agreed unto by me, I expect you proceed in the matter of Supply, and of other caution for performance of the Articles, and although the proposition touching the

Quarter

Quarters proceeded from me, yet I expect that you expresse the particular Quarters which you desire to be reserved unto you, and wherein you desire not to be interrupted.

ORMONDE.

August the 30. 1643.

WE maintaining the Title, and Protestation as formerly,

To the third, wee agree to the mutuall Commerce, wherein wee intend not His Majesties Enemies, or such as are or shall be in Armes against His Majesty, or their adhærence, or the Ports in their possession, to be included. As for the Customes, wee may not, but insist upon the continuance of them, in the same manner as now they doe, untill upon application made by our Agents to His Majesty matters bee further settled.

To the Seaventh, the president of demanding licence for our Agents would be mischievous, the inconveniency for the present cannot bee any of your Lordships party, in as much as we can assure your Lordship that wee do not intend during this Cessation to send any without acquainting the Lords Iustices, or other Chiefe Governor therewith. And demanding their safe Conduct, and therefore desire that such a restriction may not be added to our proposition.

To the Eight, wee cannot but insist upon the releafe of Prisoners, as in our first proposition.

we

We cannot proceed further in the matter of Supply till all other matters be agreed on, and for the Caution wee have particularized the ſame yeſterday, better then which we cannot give, nor as we conceive is neceſſary to be expected from us, that being the greateſt tye upon us, that we can name.

As for the quarters, in aſmuch as that Propoſition proceeded from your Lordſhip. We muſt inſiſt upon our laſt anſwer.

Muskery. Ni. Plunckett. Ri. Barnewell. Rob. Talbott.
Tirlogh & Neile. Geoffrey Browne. John Walſh.

Auguſt the 30. 1643.

NOt admitting the Title, Name, and Proteſtation in your firſt Propoſitions and reply expreſt, as formerly, &c.

To the Third, I may not agree that any be excluded out of the mutuall Commerce, but ſuch as His Majeſty ſhall except; and declare, to be excluded from the ſame, but yet if any ſhall give interruption to your Commerce, or vſe Acts of Hoſtility againſt any of your party at Sea, or in any Port, Haven, Creeke, or Harbour, you may be at libertie to doe the like againſt ſuch, and the like courſe to be held on the contrary part, *Neverthelesſe* that the ſame ſhall not be underſtood to be any breach of Ceſſation as to other His Majeſties Subjects, which ſhall conforme & yeeld obedience therunto, and if it be pretended on either ſide that the ceſſation is violated by any ſuch act, that complaint

Complaint is to be made thereof, and repairation expected, as in my first answer, to your fift, & sixt; Propositions is expreſt, which being added to my former answers may be Satisfactory, and give an end to this particular, and as I understand, by your answer yesterday sent unto me, you consented to a free Commerce with all His Majesties Subjects of all His Dominions, except such as by His Majesty should be excepted. And as for His Majesties Customes, as I may not consent that they do continue as now they doe, by any agreement, of mine, so I hold it fitting that it be agreed that vpon application to be made by your Agents to His Majesty with the first oppertunity. A further direction, and Settlement, be therein by him made.

To the Seventh, which concerneth the going of your Agents into *England*, during this Ceſſation, I doe rest Satisfied with your last answer, concerning that particular.

To the Eight, which concerneth the releaſe of Prisoners on both sides, I conceived you should haue been Satisfied with my former answer, as unto those who are indicted, but since His Majesty is becomemore concern'd in them, then in those who are not indicted, I shall agree, that this point touching the releaſe of all prisoners upon the application of your Agents to His Majesty be wholy Submitted to His Majesties pleasure.

As for the Caution I shal declare my selfe further therein, when other matters are agreed upon.

Touching quarters, The first proposition moving from you, that your jurisdiction, Governments Command and power, should continue without interruption, and my answers being, that I might not vndertake for the continuance

nuance of any Government, jurisdiction, Command or power, other then as is directed by His Majesties Authority, and warranted by the Lawes, and Statutes of this Kingdome. But that I held it reasonable that noe interruption should bee given to any of your party during this Cessation within the quarters to be limited unto you, with which answers you did rest Satisfied, although by way of demand from me, on His Majesties behalfe, it was moved that it should be agreed how far the quarters should extend, I conceive that in order you are to express the quarters or limits, within which you desire not to be interrupted. And therfore I doe againe expect that you doe propound the quarters within which you desire noe interruption should be given, and that I be not prest unto it, wherein I desire that expedition be used, His Majesties Service being therein much concerned.

ORMONDE.

August the 31. 1643.

Maintaining the Title, and Protestation as formerly.

TO the Third, your Lordships answer the eight and Twentith of this moneth, was that free Commerce &c. should be betweene us, and all other His Majesties Subjects within this Kingdom of *Ireland*, and the persons to be excepted, to be left to His Majesty to be declared after this Cessation, which exception wee vnderstood to relate to the Kingdome of *Ireland* onely, and by our answer to it, were content to referre that to His Majesties future

Subjects doe they tulate hye King

future declaration, but in as much as in other His Majesties Dominions some are already Declared Rebells, wee conceive it not necessary to expect any other Declaration. Therefore wee desire that we may not be understood to include them or their Ports, in our mutuall Commerce, till they Submit to His Majesty and be received to His royall Protection. And as for the Customes wee can say noe more then wee haue formerly said.

To the Eight, the differing of this Proposition, would be an extream discouragement, to those that for our cause have suffered, therfore we desire a mutuall enlargement, be assented unto, as formerly we have propounded. The rather that setting aside all differences, that may be between the Common and Martiall Laws, it is not to be doubted but a prisoner is as well after as before indictment in His Majesties power, from whom by speciall warrant your Lordships authoritie to conclude this Cessation, and so agree to tearmes and conditions conducing to it, is derived, whereof this Proposition is one. Rebellion cause.

As for the quarters, we desire that for the saving of time, we may have a verball conferrence with some to be appointed by your Lordship about them, that a full agreement, or materiall differences onely may be reduced to writing, otherwise wee foresee there will be much time lost, which we desire to saue.

Muskery. Nic. Plunkett. Ric. Barnewall. Rob. Talbot.
Torlogh o Neile. Geoffrey Browne. John Walsh.

NOt admitting the Title, Name, and Protestation in your first Propositions and replie expresst as formerly, &c.

TO the Third. I did intend by my last answer, that there should be a Cessation of Armes during the year, between you and all His Majesties good Subjects of all His Dominions. And I did also intend, and I must still insist thereupon that all persons or vessells whatsoever, not useing any Acts of Hostility unto you as formerly was expressed, which shall bring any Provisions to any Harbour of this Kingdome under the Power or command of any of his Majesties Forces shall not be interrupted by you, or any of your party from what Port soever they come, nor in their returne out of the Kingdome, to what place soever, and also that all Persons or Vessells of any Port of this Kingdom under the command of his Majesties Forces shall be at liberty to trade into any place or Port which they shall conceive most for their advantage, without any interruption, to be given by you, or any of your party.

To the Eight your Agents being admitted to goe over to His Majesty vpon the conclusion of this Treaty, it can be no great deferring to expect his Majesties pleasure, concerning the mutuall release of prisoners, for prisoners when they are in Office, may not be discharged, but in an ordinary and Legall way, except it be by speciall direction from His Majesty. And therfore I may not agree to the

discharging of such, but for those who are not indicted they may be hereafter discharged vpon like exchange as shall be agreed vpon, as I expressed in my former answer.

And for the limitation of quarters, I consent to your desire that a conferrence be had about it, and therefore I have appointed three or foure to meet with some of yours this afternoone to conferr about the same.

ORMONDE.

September the first, 1643.

WE Maintaining The Title, Name, and Protestation as formerly in our first Proposition.

3. To the Third, we may not agree that all persons or Vessells whatsoever, and from what Port soever they come should be permitted to bring Provisions in sore as by your Lordships last answer is expressed, for by couler thereof those that beare Armes against His Majesty and their adhærents may come into the Ports of this Kingdome, and coming or in their returne take all such Ships that shall trade and Traffique with us, and yet the Shipping that Trade with us, cannot set on them, or take them, soe as we shall be eyed, and they at liberty, wherein there is such inequality as cannot be expected from us to agree thereunto and in point of prejudice also to his Majesty not be admitted, for thereby the Ports withheld from him would have freedome to Trade without any Enemy to annoy them, and thereby much encouraged, and enabled to

withstand His Majesties power, neither will it be necessary that those Ports should have that liberty, for that the Army may bee plentifully provided from all the Ports of this Kingdome, and those now in his majesties power in *England*, or which hereafter shall be in his power, with whom by the Articles of this Cessation there is, and will be free Trade.

8. To the eight, concerning the mutuall release of prisoners the number and quallity of the severall prisoners with us, in the severall Provinces are such and so many, that our demands for enlargement of all prisoners of each side is more advantagious, for your Lordships party, then for ours and therefore we desire without expence of further time therein it may be admitted,

And for the limitation of quarters, that being left to a conferrence, is not yet soe ascertained, as that we can reduce it to writing.

Muskery. Nic. Plunkett. Ric. Barnewall. Rob. Talbott. Torlogh O Neile. Geoffrey Browne. John Walsh.

September, the first 1643.

Not admitting your Title, Name, and Protestation as formerly.

TO the Third, for the point of prejudice which may happen to His Majesty: His Majesty is best able to judge thereof, and His pleasure may be knowne therein, before any such inconvenience can happen to his service, or that prejudice

unto

unto you which is doubted: And therefore this being conceived to be of great use for the maintainance of his Majesties Army, and the preservation of his Protestant Subjects, I must insist upon my last answer, untill his Majesties pleasure be further known therein, with which you may rest satisfied.

To the Eight, I doe assent to the mutuall release of all prisoners on both sides, in all parts of this Kingdome, excepting such of them as are indicted, and for those I agree that bayle shall be taken of them till his Majesties pleasure be further signified. Provided that if any part of his Majesties Army, in any other Province of this Kingdome, shall not within the time to be limited yeild obedience thereunto, that the same shall be no breach of Cessation, untill his Majesties pleasure be signified therein.

And for the limitation of Quarters, I send you a draught touching them, to be considered of.

TOVCHING limitation of Quarters. That the severall Counties in the Province of *Leinster*, hereafter named, *viz.* the County of *Dublin*, the County of the City of *Dublin*, the County of *Kildare*, the County of *Meath*, the County of *Lowth*, the County of *Wicklo*, the County of the Towne of *Droghedagh*, *&c.* shall during the said Cessation be and remaine intirely in the hands of his Majesties Armies, under the command of the said Lord Marques, and of other his Majesties Forces, authorized by Commission derived from His Majesty, and of his Majesties Protestant Subjects, and of such others as are of their party respectively, except the Castles, Townes *Leinster,*

and

and Lands of *Ballisannon*, *Kilkae*, *Tymolin*, *Ballisa*, *Martinstowne*, *Brownstowne*, *Kildare*, *Castleford*, *Castle-Dermott*, *Blackrath*, and such other Territories, Castles, or Forts, and the Lands and hereditaments, thereunto belonging which on the day of were possessed in the said severall Counties, by any of the Forces of the contrary party, and not protected by the Lords Iustices, or the said Lord Marques, or any Commander deriving authority from His Majesty, and that all other counties of the said Province, *viz.* The County of *Westmeath*, the County of *Kilkenny*, the County of the City of *Kilkenny*, the county of *Catherlagh*, the county of *Wexford*, the county of *Longford*, the Kings County, the Queenes County, *&c.* Shall during the said Cessation, be and remaine entirely in the hands of the contrary party, except *Duncannon*, *Mary-borrough*, *Disert*, *Catherlagh*, *Edenderry*, *Clonrich*, *Ballicarrall*, *Shane*, *Coole Bannacher*, *Meyrett*, *Immoe*, *Strad-bally*, *Loghteog*, *Timoy*, *Ballyadams*, *Tully*, *Ballytubbar*, *Kilmin*, *Kenafade*, *Castle-Iordan*, and such other Territories, Castles or Forts, and the Lands, and hereditaments, thereunto belonging, which upon the day of were possessed in the said severall counties, by any of his Majesties Forces, or by any of His Majesties Protestant Subjects, or by such as adhære unto them, and except likewise all places protected by the Lords Iustices, or the said Lord Marques, or any Commander deriving authority from His Majesty. *Provided*, that no Officer of the Army, or Souldier of either side, shall be admitted without Licence from the Commanders in chiefe of the Armies on both sides, or of the Commanders, of the next maine Garrisons, respectively to passe or repasse into any of the Garrisons, on the contrary side, save that it

shall

shall be lawfull for either party, to furnish any Garrison in their power, during the Cessation, with Victualls, Cloathes, Ammunition, or other necessaries by licence as aforesaid, which is not to be denied upon demand.

THAT the County of *Corke*, and the County of the City of *Corke*, and all such other Territories, Castles, Townes, Lands and hereditaments, in the Province of *Munster*, which on the day of are or shall be possessed, by any of His Majesties Forces, under the Command of the Lord Baron of *Inchequin*, in the severall Counties of the Province of *Munster*, or by any of His Majesties Protestant Subjects, and such others as are of His Majesties party respectively, and likewise all places protected by the Lord of *Inchequin*, or any Commander deriving authority from His Majesty, shall during the Cessation, remaine intirely in the hands of His Majesties said Forces, and of His Protestant Subjects, and such as adhære to that party respectively, except such Territories, Castles, Townes, Lands, and hereditaments, which on the said day of are or shall be possessed in the said severall Counties, by any of the Forces of the contrary party. *Munster*

And that all other Counties of the Province of *Munster*, hereafter named, *viz.* The County of *Tipperary*. the County of *Limericke*. the County of *Kerry*. the County of *Waterford*. the County of the City of *Waterford*. and also the County of *Clare*. shall durin gthe said Cessation, be and remaine intirely in the hands of the said contrary party, and such as adhære unto them, except *Lismore*, *Tallough*, *Cappaghquin*, *Piltowne*, *Ardmore*, *Knockmoane*, *Ballynytra*, *Stroncally*, *Balligarran*, *Ballyduffe*, in the

County of *Waterford*, *Rathanan*, and *Da. Croshies* Castle, in the County of *Kerry*, *Bunratty*, in the County of *Clare*, and all such other Territories, Castles, Townes, Lands, and Hereditaments, within the said severall Counties respectively, which on the said day of are or shall be possessed by any Forces deriving authority from His Majesty or by any of His Protestant Subject, or such as adære to that party respectively; And likewise excepting all such places as are protected by any Commander deriving authority from His Majesty.

Provided, that noe Officer of the Army, or Souldier of either side shall be admitted, without Licence of the Commanders in chiefe of the Armies, on both sides, or of the Comanders in chiefe of the next adjoyning Counties, or Frontier, or maine Garrison respectively, to passe or repaire, to any of the Garrisons of the contrary side, save that it shall be lawfull for either partie, to furnish any Garrison in their power, during the Cessation, with Victuals, Cloathes, Ammunition or other necessaries, and to recruit their Companies by Licence as aforesaid, which is not to be denied upon demand.

Connaght. That the County of *Roscomon*, and all such other Territories, Castles, Townes, Lands and Hereditaments, within the Province of *Connaght*, which on the day of are or shall be possessed by any Forces, deriving authority from His Majesty, or by any of His Majesties Protestant Subjects, and such others as are of that party respectively, and likewise all places protected by any Commander deriving authority from His Majesty shall during the said Cessation, remaine intirely in the hands of His Majesties said Forces, and of His Protestant

Subjects, and such as adhære to that party respectively, except such Territories, Castles, Townes, Lands, and Hereditaments, which on the said day of are, or shall be possessed in the said Province, by any of the Forces of the contrary party.

And that the Counties of *Sligo*, *Mayo*, *Galway*, the County of the Towne of *Galway*, and the County of *Leitrim*, shall remaine intirely in the hands of the said contrary party, and such as adhære unto them, except *Carrick*, *Dromrosk*, *Mannor-Hamilton*, *Jamestowne*, *Loghreagh*, *Portumna*, *Bally-donnelan*, and *Milik*, &c. And such other Territories, Castles, or Forts, and the Lands and Hereditaments, thereunto belonging, which upon the day of are, or shall be possessed in the said severall Counties, by any of His Majesties Forces or by any of His Majesties Protestant Subjects, or by such as adhære unto them, and except likewise all places protected by the Lords Iustices, or the said Lord Marques, or any Commander deriving authority from His Majesty. *Provided*, that no Officer of the Army, or Souldier of either side, shall be admitted without Licence from the Commanders in Chiefe of the Armies on both sides, or of the Commanders of the next adjoyning Counties, or Frontiers, or maine Garrisons respectively to passe and repasse into any of the Garrisons on the contrary side, save that it shall be lawfull for either party to furnish any Garrison in their power on the said day of during the Cessation, with Victualls, Cloathes, Ammunition or other necessaries, by Lycence as aforesaid, which is not to be denied upon demand.

Vlster. That the Counties of *Londonderry*. *Antrim*. the Towne of *Carrigfergus*. the County of *Downe*, and all such other Territories, Castles, Towns. Lands, & Hereditaments, within the province of *Vlster*, which on the day of are or shall be possessed by any Forces, deriving Authority from His Majesty or any of His Majesties Protestant Subjects, and such others as are of that party respectively, and likewise all places protected by any Commander deriving Authorty from His Majesty shall during the said Cessation remaine intirely in the hands of his Majesties Forces, and of his Protestant Subjects, and such as adhære unto that Partie respectively, except such Territories, Castles, Townes, and Lands, which upon the said day of are or shall be possessed in the said Province by any of the Forces of the contrary party. And that the county of *Cavan*, and all such Territories, Castles Towns Lands, and Hereditaments, within the Province of *Vlster*, which on the said day of shall be possessed by any of the said contrary Party, shall during the said Cessation be and remaine intirely in the hands of the said contrary party, except such Territories, Castles, Towns, and Lands, within the said County which on the said day of are or shall be possessed by any Forces deriving Authority from his Majesty, or by any of his Protestant Subjects, or such as adhære to that party respectively, and likewise excepting all such places as are Protected by any Commander deriving Authority from his Majesty, Provided, that no Officer of the Army, or Souldiers of either side, shall be admitted without licence from the Commanders in chiefe of the Armies on both sides, or of the Commanders of the Counties respectively, to passe or repasse into any of the Garri-

sons

ſons of the contrary ſide, ſave that it ſhall be Lawfull for either party to furniſh any Garriſon in their power during the Ceſſation with Cloaths Victuals, Ammunition, or other neceſſearies by Licence as aforeſaid, which is not to be denied upon Demand.

AND now for the Husbanding of time, I deſire you proceed to the matter of Supply according to my former Propoſition.

ORMONDE.

September the firſt 1643.

STill maintaining the Title, Name, and Proteſtation as formerly.

To the Third, notwithſtanding that we apprehend much prejudice may ariſe unto us by admitting any Ships waged or imployed by any that beares Armes againſt his Majeſty or comming out of the Ports in their power to come into this Kingdome with Proviſion of Victualls. It being in their power to ſet upon our Shipps or the Shipps that trade with us, yet to the end there may be a courſe taken for the maintenance of his Majeſties Army. We do agree that ſuch Shipps as ſhall come with Victuals to the ſaid Army, having his Majeſties paſſe ſhall be admitted to goe freely into any the Ports in this Kingdome ſo as the ſame extend not to any the Ports in the poſſeſſion of ſuch as ſhall not yeeld to this Ceſſation, or to any Shipp or ſhipps that ſhall come with Victuals proviſion, or commodities, whatſoever to thoſe Diſſobeying

the Ceſſation, which we doe condiſſend unto, for that we conſide his Majeſty will take ſpeciall care that ſuch ſhipps as have his Royall paſſe will not annoy the ſhipps of our party, or of thoſe that ſhall trade or come into any Port with any wares or commodities whatſoever to our Party.

To the Eight, we remaine satiſſied for the preſent with your Lordſhips Anſwer, and will preſſe noe further therein. onely we deſire that where Obedience is denied thereunto, that it be a breach of Ceſſation, as to them who Diſobey.

Touching the Limitation of quarters, we have the draught ſent by your Lordſhip and expect a conferrence to draw that matter neere a conclution.

Touching the Supply, we will deſcend to aſcertaine it, when the Quarters are aſcertained.

Maskery. *Nic. Plunket.* *Rich. Barnewell*
Robert Talbott. *Tirlogh ô Neile.* *Geoffrey Browne.*
Ever Magennis. *John Walſh.*

September the 2. *1643.*

Not admitting the Title, Name, and Proteſtation as formerly.

TO

TO the third, the coming freely of Shipping for relieſe as well to his Majeſties Army, as to his other Subjects is of abſolute neceſſity, and to expect a paſſe from his Majeſty for every Veſſell, I vnderſtand is in effect to diſtroy the thinge you ſeem to conſent unto, and therefore I cannot agree to any exception of that nature, vnleſſe his Majeſty Commit. Whoſe pleaſure in this particular, upon the application of your Agents iuto *England*, may quickly bee knowen, and therefore doe expect that without further delay that which I propounded touching that particular may ſerve for the preſent, untill his Majeſties pleaſure be knowne therein, and conſidered unto.

To the Eight, I may not admit that if obedience bee denied in any of the other Provinces to the enlarging of priſoners, that this ſhould be a preſent breach of the Ceſſation to them who diſobey. But that his Majeſty be firſt made acquainted with ſuch diſobedience if any be, and his direction expected therein.

ORMONDE.

September the Second. *1643.*

WE ſend your Lordſhip herewith a draught of our Propoſition concerning the Quarters, which we conceive reaſonable to be agreed unto by your Lordſhip.

Lucas Dillon. Ni. Plunket. Rob. Talbot. Ri. Barnwell.
Terlogh ô Neile. Geoffrey Browne John Walſh.

viz.

viz.

Touching the limitation of Quarters, that the ſeverall Garriſons poſſeſſed by the Forces of your party the day of ſhall during the ſaid Ceſſation be enjoyed by them, together with the demeanes of the Caſtles, Townes, or places, reſpectively where ſuch Garriſons are kept, and noe more, and that thoſe Caſtles, Townes, or Places, which ſince the Twentith of *May* laſt, (being the time the treaty of Ceſſation was firſt propounded) or before have been Deſerted, and left waſt, and ſince that time have been entred into, and poſſeſsed without fight, quarter or oppoſition, ſhall be repoſſeſsed by the former owners, and the ſowers of the corne, to reape the ſame Provided that noe Officer of the Army, or ſouldiers of either ſide ſhall be admitted without licence from the Commanders in chiefe of the Armies on both ſides, or of the Commanders of the next maine Garriſons reſpectively to paſse or repaſse into any of the Garriſons on the contrary ſide, ſave that it be lawfull for either party to furniſh any Garriſon in their power during the Ceſſation with Victualls, Cloathes, Ammunition, or other neceſsaries, by licence as aforeſaid, which is not to be denied upon demand.

September, the ſecond 1643.

There was a draught for each Province delivered by thoſe perſons entruſted by me to conferr concerning Quarters to thoſe appointed by you, to conferre with them about the ſame, and this was done in purſuance of that which you often

ten insisting vpon, that the Propositions touching quarters should first move from me, and I desire that you would either alow of those Draughts, or shew what part you except against in any one of them:

ORMONDE.

September the 2. 1643.

WE maintaining the Title, and protestation as formerly.

To the Third, we having in our severall former answer touching this matter, agreed that free trade of Commerc should be alowed between us, and all other his Majestie Subjects, not bearing Armes against his Majesty and yeelding obedience to the present intended Cessation, and for the Supply of the Forces, and other his Majesties Subjects in this Kingdome, with provision to such as shall obey the said Articles of Cessation, having condiscended that any Vessells comming to that purpose out of any the Ports in this Kingdome, or out of any the Ports in *England*, or in any other his Majesties Dominions, now in His Majesties hands, or out of any Port whatsoever in *England* or other his Dominions, though not in his Majesties hands, if they had his Majesties passe, is as much as with safety we could condiscend unto for the reasons in our former answers expressed, yet your Lordship seemeth not therewith Satisfied, neither is there propounded any other way equall for our safeties. Therefore the better to acquit our selves that we offered nothing therin but such as becom meth dutifull Subjects we desire

viz.

Touching the limitation of Quarters, that the ſeverall Garriſons poſſeſſed by the Forces of your party the day of ſhall during the ſaid Ceſſation be enjoyed by them, together with the demeanes of the Caſtles, Townes, or places, reſpectively where ſuch Garriſons are kept, and noe more, and that thoſe Caſtles, Townes, or Places, which ſince the Twentith of *May* laſt, (being the time the treaty of Ceſſation was firſt propounded) or before have been Deſerted, and left waſt, and ſince that time have been entred into, and poſſeſsed without fight, quarter or oppoſition, ſhall be repoſſeſsed by the former owners, and the ſowers of the corne, to reape the ſame Provided that noe Officer of the Army, or ſouldiers of either ſide ſhall be admitted without licence from the Commanders in chiefe of the Armies on both ſides, or of the Commanders of the next maine Garriſons reſpectively to paſse or repaſse into any of the Garriſons on the contrary ſide, ſave that it be lawfull for either party to furniſh any Garriſon in their power during the Ceſsation with Victualls, Cloathes, Ammunition, or other neceſsaries, by licence as aforeſaid, which is not to be denied upon demand.

September, the ſecond 1643.

THere was a draught for each Province delivered by thoſe perſons entruſted by me to conferr concerning Quarters to thoſe appointed by you, to conferre with them about the ſame, and this was done in purſuance of that which you often

ten insisting vpon, that the Propositions touching quarters should first move from me, and I desire that you would either alow of those Draughts, or shew what part you except against in any one of them:

ORMONDE.

September the 2. 1643.

WE maintaining the Title, and protestation as formerly.

To the Third, we having in our severall former answer touching this matter, agreed that free trade of Commerc should be alowed between us, and all other his Majestie Subjects, not bearing Armes against his Majesty and yeelding obedience to the present intended Cessation, and for the Supply of the Forces, and other his Majesties Subjects in this Kingdome, with provision to such as shall obey the said Articles of Cessation, having condiscended that any Vessells comming to that purpose out of any the Ports in this Kingdome, or out of any the Ports in *England*, or in any other his Majesties Dominions, now in His Majesties hands, or out of any Port whatsoever in *England* or other his Dominions, though not in his Majesties hands, if they had his Majesties passe, is as much as with safety we could condiscend unto for the reasons in our former answers expressed, yet your Lordship seemeth not therewith Satisfied, neither is there propounded any other way equall for our safeties. Therefore the better to acquit our selves that we offered nothing therin but such as becom meth dutifull Subjects we desire

as at first free Commerce betweene us, and all other His Majesties Subjects not bearing Armes against him, and obeying His Majesties pleasure touching this Cessation, and as to all others, to continue as hetherto, vntill a further course be taken therein upon application of our Agents to His Majesty.

To the Eight, we rest Satisfied with your Lordships answer to this Proposition, soe as it be not intended to disingage the performance of that Article, but that any party disobeying would be compelled to obedience by your Lordship or other Commander in chiefe.

Lucas Dillon. *Nic. Plunket.* *Robert Talbott.*
Ric. Barnewell. *Tirlogh ô Neile.*
Geoffrey Browne *John Walsh.*

September the *2. 1643.*

Concerning Quarters.

THe severall draughts received by us concerning Quarters, are so full of matters to be excepted against that to particularize all would take up too much time, we have conceived that the draught offered by us being of an other kind, would shew our exceptions to those offerred of your Lordships party, and therefore we desire now we are entred into this matter that your Lordship will be pleased to give answer to our draught, which is the shortest, and the speediest way to bring us to a Conclusion.

Lucas

Lucas Dillon. *Nic. Plunket.* *Rob. Talbott.*
Ric. Barnewell. *Torlogh ô Neile.*
Geoffrey Browne. *Iohn Walsh.*

September the 2. 1643

Concerning the Quarters, I may not part with any Lands or Poſſeſſions gained, or held by the Kings Army, or his Proteſtant Subjects, or ſuch as adhere unto them, and therefore I expect that you proceed to give me ſuch an anſwer as ſhall be reaſonable to the draughts I ſent unto you (which were drawen on your requeſt) without protracting further time, and that you doe forthwith let me know to what day you would have the Setlement of quarters relate, in caſe this Treaty ſhould proceed, and when this is done I ſhall give further anſwer to what remaines on my part to be anſwered.

ORMONDE.

September the 2. 1643.

THe day of concluſion of this Ceſſation, we conceive to be the proper day for quarters to relate unto, which may be as ſoone as your Lordſhip pleaſes, and we wiſh it may be to morrow, for there is nothing wee deſire more then to ſee a good and ſpeedy end of this Treaty.

Lucas Dillon. *Nic. Plunket.* *Robert Talbott.*
Ric. Barnewell. *Terlogh ô Neile.*
Geffrey Browne. *John Walsh.*

September the 3. 1643.

IN regard that there cannot be such a conclusion of the Cessation in so short a time as you expresse in your last answer, I hold it requisit that there be a Temporary Cessation to beginne this day, and to continue during the continuance of this present Treaty, whereby I may be at the better liberty to minde the busines now in treaty, which I conceive will conduce much to the furtherance of his Majesties Service in the worke now in hand.

ORMONDE

September the 3. 1643.

Concerning the quarters, we conceive the draught presented by us to be reasonable, and the draught sent unto us, unequall & vnfit, for us to assent unto, for that whole Counties are therein layed out for your Quarters, wherein your party have but few Garrisons, and those limited to very narrow bounds, as for instance the County of *Roscomon* in the Province of *Connaght*, and in other Provinces whole Counties layed out for your Quarters, wherein your party have not in some, not above one or two Garrisons at the most, and in others not one Garrison, as for instance the County of *Wickloe* in *Leinster*; where your party hath but one small Garrison, the county

county of *Ardmagh* in *Vlster*, where your party have not one Garrison, the County of *Monnaghan* in *Vlster*, where but one Garrison, and divers other the like instances may be made, besides many other inconveniences which may follow out of that way propounded in those draughts, soe as the Propositions presented by vs, we conceive to be more indifferent, not seeking during the Cessation any Garrisons from your party, by them obtained, nor the demeanes of the Castles, Townes, or Places respectively, where such Garrisons are kept, other then the deserted and wast places, not habitable, or not defencive entred into since the beginning of the Treaty of Cessation, being meerely to gaine a coularable possession for enlarging of Quarters, neither doe we intend by our Proposition to seeke from your party any other Lands inhibited, manured or actively Possessed by them, and more then this, we conceive cannot be expected from us.

Muskery. *Lucas Dillon.* *Nicholas Plunket.*

Rob. Talbot. *Ric. Barnewell.*

Terlogh ô Neile. *Geffrey Browne.* *John Walsh.*

September the *3. 1643.*

Concerning the Temporary Cessation.

WE have taken notice by your Lordships Letters that the advancing of our Army heretofore was the occasion that the Treaty was formerly put off, to an uncertaine time, wherefore upon the receipt of the

letters, whereby a new day was appointed, our Forces being then in Service, were called backe, and soe retired for some daies, till the Lord *Moore*, Colonell *Moncke* and other Commanders marched with their Forces, and Garrisoned Places formerly burnt and deserted, and committed severall Acts of Hostility against us, which proceedings did impose such a necessitie upon our party, that they advanced with their Forces, with all the speed they could, & now if we should Command them backe againe upon uncertaine termes, we know not what Prejudice it might bring upon us especially when as the Present Treaty is come to such a passe as a few houres may bring it to a good conclusion, yet such is our desire to bring the Publique affaires of this Kingdome to a happy end, and to advance His Majesties Service, that if your Lordship shall call backe the Forces of your party now in the feild in this Province, and such parties as have been put since this Treaty into de erted and undefensible Castles scituate in such places as haue been manured by our party, we shall doe the like of our part.

Muskery. *Lucas Dillon.* *Nic. Plunkett.*

Robert Talbott. *R. Barnewell.* *Tirlogh ô Neile.*

Geffrey Browne. *John Walsh*

September the 3. 1643.

I

I Deſire you to declare to what time you intend theſe words (ſince this Treaty) ſhall relate, and if the parties who have been put into Caſtles which you call deſerted, and undefenſible be cal'd backe by me, who by your intention ſhall have the Corne, if ſuch Caſtles ſhall fall out upon the concluſion of the Treaty to be agreed to be within our quarters.

ORMOND E.

September the *3. 1643.*

TOuching your Lordſhips deſire to know to what time we intend the words (ſince this Treaty) ſhall relate. We conceive that appeares in our firſt propoſition touching Quarters, wherin it is expreſsed as to the deſerted places to relate to the twentith of *May* laſt, at which time the Treaty firſt beganne, and as to the corne the ſame we conceive ſhould belong to the Sowers, paying a reaſonable contribution to thoſe within whoſe Quarters reſpectively it ſhall happen to be.

Muskery. *Lucas Dillon.* *Nic. Plunckett.*
Robert Talbott. *Ric. Barnwell.* *Tirlogh ô Neale.*
Geffrey Browne. *Iohn Walſh.*

September the *4. 1643.*

WHereas in your anſwere yeſterday ſent unto me, you expreſsed that you did recall your former Forces untill the Lord *Moore* and Colonell *Monck* and others

others did march forth, if any such thing were, it was never certified unto me by any of you, so as I can say nothing unto it, but to passe this over as little conducing to the proposition now in hand, I shall agree that the Forces now in the Field, in this Province on both sides, be recalled during the continuance of this Treaty, but as for calling of men from places said to be deserted, and undefencible, and from what time it shall commence, I conceive it most proper to be considered in the debate of the Quarters, which in the next place falls into consideration and therefore I desire your positive answer.

ORMONDE.

September the 4. 1643.

WE conceive our former answer is such, as was fit, for us to give touching the temporary Cessation, and soe positive as it now rests in your Lordships power, to condiscend thereunto, to have the Forces of both parties in this Province recalled, or by your Lordships answer to our last propositions, remaining yet unanswered, to draw the whole Treaty to a conclusion, which we desire.

Muskery. *Lucas Dillon.* *Nic. Plunket.*
Rich. Barnewell. *Torlogh ô Neile*
Geoffrey Browne. *John Walsh.*

September the 4 1643.

concerning

Concerning Quarters.

I Doe conceive the draughts ſent unto you, wherein the Quarters in each Province are diſtinguiſhed by themſelves to be fit in ſubſtance to be approved, for in every of the ſaid draughts, you have the Particulars ſet forth ſo farre as they are knowne, and leaſt there ſhould be any omiſſion, there are generall words, by which courſe neither party, can looſe what belongs unto them, and if any miſtake appeare in any of them, the ſame may be certified, and although I admit not of your inſtances touching the County of *Roſcomon*, and the other Counties by you particularly mentioned in the meſsage concerning Quarters, yeſterday ſent unto me, yet I am content that thoſe counties be leſt unto you, with ſuch particulars & generall ſavings unto us, as in the draughts is expreſsed, & to ſuch a future courſe as upon the concluſion of this Treaty may be agreed on, for aſcertaining thoſe particulars, I doe likewiſe conceive that all deſerted and waſt places within the Quarters limited unto us by the draughts ſent unto you, out of which your party have been forced, doe belong unto us, as well as the Garriſons within our quarters, for otherwiſe whole Counties which upon the laſt conference was admited by you, without controverſie to belong unto us, as the County of *Dublin*, the County of *Lowth*, &c. where moſt places have been deſerted, and are now neither inhabitted with Tenants, nor manured or poſſeſsed, (other then by ſome times depaſturing of Catle) muſt upon the matter be ſurrendred and left unto you, upon this Treaty, but I ſhall agree that thoſe places ſhall be inhabitted by ordinary Tenants, according

to ſuch agreements, as ſhall be made with them by our party, or ſuch of them as ſhall poſſeſſe the ſaid Lands reſpectively. I doe alſoe conceive that there is as little reaſon to ſurrender, or to give unto you any places which were entred into or man'd by us ſince the beginning of this treaty, which was in our power to have man'd at any time many whereof were held unneceſſary to be man'd at all untill towards Harveſt, and many, of them that were manned, have been ſithence that time left unmand by reaſon of other Garriſons of His Majeſties Forces placed further on the Frontires, and if that which you deſire ſhould be condiſcended unto, your party of all ſortes (Whether Freehoulders Officers or others) might repoſſeſſe many Houſes and Lands, almoſt to the Gates of Dublin, which have not been manned by us to ſave unneceſſary charge, or otherwiſe, which might be the occaſion of great differrences, even during the time of Ceſſation, eſpecially when it ſhall be conſidered that your party poſſeſſes many places in all parts of the Kingdome of great value, which through feare have been deſerted, by divers of the Proteſtant party, for whom noe proviſion is yet made, and by that meanes alſo there would be nothing of profit conveniencie, or advantage left His Majeſties Garriſons, (demeanes, belonging to Garriſons or Townes inhabitted, being ſoe narrow, that they are of very little extent, profit, or conveniency to feed any ſtore of Cattle, or to prepare for any quantity of Corne)

ORMONDE.

September the 5. 1643.

concerning

Howbeit, we conceive our ſeverall former Propoſitions touching Quarters to be ſoe drawne as are equall to both parties, yet in aſmuch as your Lordſhip doth inſiſt on the manner of limiting Quarters in ſort as in the draughts ſent by your Lordſhip doth appeare. We ſhall for the ſpeedy ſettlement, of the preſent affaires of this Kingdom, and for the advancing of His Majeſties ſervice, endeavour to proceed therein, in that forme deſired by your Lordſhip. And therefore we doe agree that the ſeverall Counties of *Dublin*, the County of the City of *Dublin*, the County of the Towne of *Drohedagh*, and the County of *Lowth*, ſhall during the ſaid Ceſſation remaine in the hands of your party, except the Barony of *Ardee*, and the Towne and Lands of *Ballyboght*, and other the Caſtles, Townes, Lands, Territores, and the Lands and Hereditaments, thereunto belonging, which upon the day of the concluſion of this Ceſſation ſhall be poſſeſsed in the ſaid Counties by any of our party ſaving unto ſuch of our party reſpectively the corne by them ſowne in any of the ſaid Counties, and that ſoe much of the County of *Meath* as is in the Eaſt, and South ſide of the River of *Boyne*, from *Droghedagh*, to *Trim*, and thence to the Lordſhip of *Moylagh*, thence to *Moy Glare*, and thence to *Dublin* ſhall during the ſaid Ceſſation remaine in the hands of your party, except the Caſtles, Townes, Lands Territories and the Lands and Hereditaments, thereunto belonging, which upon the day of the concluſion of this Ceſſation ſhall be poſſeſsed within the ſaid Quarters, by any of our party, and ſaving to ſuch of our party reſpectively the Corne by them ſowne within the ſaid Quarters, and that *Leinſter.*

the residue of the said County of *Meath*, shall remaine in the hands of our party, except the Castles, Townes, Lands, Territories, & the Lands, and Hereditaments, thereunto belonging which upon the day of the conclusion of this Cessation shall be possessed within the said last mentioned Quarters in the said County of *Meath* by any of your party, and saving unto such of your party respectively the Corne by them sowne within the said Quarters, and that soe much of the County of *Kildare* as is on that side the *Lyffy*, where *Naas* is Scituate shall during the said Cessation remaine in the hands of your party, except the Castles, Townes, Territories, & the Lands & Hereditaments thereunto belonging, which upon the day of the conclusion of this Cessation shall be possessed, within the said Quarters by any of our party, and saving unto such of our party respectively the Corne by them sowne within the said Quarters, and that the residue of the said county of *Kildare* shall remaine in the hands of our party, except the Castles, Townes, Lands, Territories, & the Lands and Hereditaments, thereuuto belonging which upon the day of the conclusion of this Cessation shall be possessed within the said last mentioned Quarters in the said County of *Kildare* by any of your party, and saving to such of your party respectively the Corne by them sowne within the said Quarters, and that the severall Counties of *Wicklow*, *Westmeath*, *Kings* County, *Queenes* County, *Catherlagh*, *Kilkeny*, *Wexford*, and *Longford*, shall during the said Cessation remaine in the hands of our party, except the Castles, Townes, Lands, Territories, and the Lands and Hereditaments thereunto belonging, which upon the day of the conclusion of this Cessation shall be possessed within the said Counties by any of your

party

party, and ſaving to ſuch of your party reſpectively the Corne by them ſowne within the ſaid Counties.

Muskery. *Lucas Dillon.* *Nic. Plunckett.*
Rob. Talbott. *Ric. Barnewell.* *Torlogh O Neile.*
Geffery Browne. *John Walſh.*

September the 5. 1643.

I Did the firſt of *September* ſend you foure draughts concerning the quarters, *viz.* one for every Province, which I did for the better expediting the matter in hand and husbanding of time, and I did expect your anſwer unto all of them, that I might the better Iudge upon the whole matter, what reply to make which now I deſire you to haſten unto me, if you meane that according to your former expreſſions a few houres ſhould end this buſines, for His Majeſties Service doth call upon me to give a quicke diſpatch to the Treaty.

ORMONDE.

Concerning Quarters.

That the County of the City of *Corke*, ſhall during this Ceſſation remaine in the hands of your party, except ſuch Mannores, Caſtles, Townes, Lands, Territories, and the Lands and Hereditaments, therunto belonging *Munſter*

ing, which upon the day of the concluſion of this Ceſſation ſhall be poſſeſsed within the ſaid County, by any of our party, and ſaving to ſuch of our party the Corne by them ſowne within the ſaid County and that the ſeverall Counties of *Tipperary*, *Waterford*, Citty of *Waterford*, *Corke*, *Kerry*, *Limericke*, City of *Limerick*, and *Clare*, ſhall during the ſaid Ceſſation remaine in the hands of our party, except the Mannors, Territories, Caſtles, Townes, Lands, and the Lands and Heriditaments, thereunto belonging which upon the day of the concluſion of this Ceſſation ſhall be poſſeſsed within the ſaid Counties or either of them by any of your party. And ſaving to ſuch of your party reſpectively the Corne by them ſowne, within the ſaid County or within either of them.

Muskery. Lucas Dillon. Ni. Pluncket Rob. Talbott. R. Barnwell. Tirl. ô Neile. Geoffrey Browne. Io. Walſh.

September the 5. 1643.

Concerning QUARTERS.

THat the ſeverall Counties of *Galway*, Towne of *Galway*, *Mayo*, *Roſcomon*, *Slygo*, and *Leytrim*, ſhall during this Ceſſation be poſſeſsed by our party, ſaving unto your party all ſuch Caſtles, Mannors, Lands, and other poſſeſſions, which upon the day of concluſion of this Ceſſation, ſhall be poſſeſsed by any of your party, within the ſaid Counties or either of them, and ſaving unto your party all ſuch Corne as any of them reſpectively have ſowen

Connaght

en within the said Counties.

Muskery *Lucas Dillon.* *Nic. Plunkit.*
Robert Talbott. *Rich. Barnewell.* *Torlogh O Neile.*
Geoffrey Browne. *John Walsh.*

September, the 5. 1643.

Concerning QUARTERS.

THat the Counties of *Antrim*, the Counties of *Londonderry*, and *Carrickfergus*, and the County of *Downe*, *Vlster.* shall during the present Cessation remaine in the hands of your party, excepting the Castles, Townes, Lands, Territories, and the Lands and Hereditaments thereunto belonging, which upon the day of the conclusion of this Cessation, shall be Possessed in the said Counties, by any of our party, and saving unto such of our party respectively, the Corne by them sowen in any of the said Counties, except such Mannors, Castles, Territories, Lands, Tenements & Hereditaments, within the County of *Antrim*, which did belong to the Earle of *Antrim*, to him to be reserved: And that the severall Counties of *Cavan*, *Monaghan*, *Ardmagh*, *Farmanagh*, *Donnegall*, and *Tyrone*, shall during the said Cessation, remaine in the hands of our party, except the Castles, Townes, Lands, Territories, and the Lands and Hereditaments thereunto belonging, which upon the day of the conclusion of this Cessation, shall be possessed within the said Counties, by any of your party, and saving to such of your party respectively, the Corne by

by them sowen within the said Counties.

Mayhery. *Lucas Dillon,* *Nic. Plunckett.*
Robert Talbott. *Rich. Barnewell.* *Torlogh ô Neile*
Geoffrey Browne. *John Walsh.*

September the 6. 1643.

I Haue received intelligence, that some of your Forces haue besieged *Tully*, in this County, not many miles distant from this place, wherein Sir *George Wentworth*, and some of His Majesties Forces are now Garrisoned, at this time when His Majesties Commission of Grace for this Treaty for a Cessation of Armes, is in execution, and when Sir *George Wentworth*, is imployed in procuring necessary Provisions for mee, I shall therefore expect present redresse therein, by recalling your Forces, that soe His Majesties Service may not receive interuption hereby.

September, the 6. 1643.

WHen we repaired to this last Treaty, we had noe Army in the Field, other then such as stood at certaine Ports for our defence, remote from these parts, but were informed that the very day of the first meeting of this last Treaty, Colo. *Monke*, with a strong party, Marched to the County of *Wickloe*, and there those Forces

ces as yet continue, destroying the Corne, and setting of Garrisons to enlarge their quarters, we understand likewise that since our comming hither, Sir *George Wentworth*, hath bused his Garrison'd Forces in taking the Corne at *Maydenstowne*, sowne by our party, and we are assured that your party haue since this Treaty, entred into more wast, and deserted places, and thereby multiplied more Garrisons in that short time, then a twelve month before, by all which our Forces have been necessitated to drawe into the Field, for defence of their livelyhood, and to regaine their possessions. And therefore we hould it not safe to withdraw them, untill a generall or Temporary Cessation be concluded, which we desire to hasten, that soe His Majesties Service may meete with no further delay. And for what provision shall be comming to your Lordship, from any part neere our Forces, we shall on notice, take order for the safe conduct of our part, and if any have been taken, restitution shall be made.

Muskery. *Lucas Dillon.* *Nic. Plunkete*
Robert Talbott. *R. Barnewell.* *Tirlogh ô Neile*
Geffrey Browne. *John Walsh.*

September, the 6. 1643.

I Received your last draught concerning the Province of *Leinster*, and now that it is drawne up much in that forme which I Propounded, I doe agree thereunto, saving and excepting unto our party, all places protected by any of His Majesties Forces, And likewise excepting the Barrony of *Ardee*, which I may not admit to be reserved by name

unto you, for you cannot but confesse that it was recovered by His Majesties Forces, and for a long time maintained and kept by our party, and for ought I know it is yet in our possession, nor the Towne of *Ballibought*, in the County of *Dublin*, being alwaies protected by our party, but if any right you have unto either, it may be preserved unto you, under the genneralll saving. And as for the Corne which shall fall out to be within our severall quarters, I shall agree that what Corne hath been sowne by any of your party within our quarters, shall be enjoyed by the under Tenants who sowed it, they paying such contribution unto our party as they did agree for, and in case they did not agree, paying the fourth sheafe unto our party, the like rule to be observed for those of our party, who have sowne Corne within your Quarters, *Provided* that none of our party who did not contribute unto you, shall pay any Contribution during the Cessation unto any of your party, *Provided* alsoe that Officers, and Souldiers be not admitted of either side, other then was formerly allowed, And saving that Garrisons may be furnished as was formerly agreed, And I shall further agree that there be a proportionable division of the Wasts, as well between the Frontier Garrisons on both sides, as between the Garrisons beyond the Rivers of the *Boyne*, & *Liffy*.

ORMONDE.

September the 6. 1643.

For

Or *Munſter*, I ſhall agree that the ſeverall Counties hereafter named, *viz.* the county of *Tiperary* the county of *Limerick*, the County of the City of *Limerick*, the County of *Kerry*, the County of *Waterford*, the County of the City of *Waterford*, and the County of *Clare*, ſhall during the ſaid Ceſſation remaine in your hands, except ſuch places as within the ſaid Counties reſpectively were or ſhall be the day of poſſeſſed by any Forces deriving authority from His Majeſty or by any of his Proteſtant Subjects; or ſuch as adhære unto that party, reſpectively, and likewiſe excepting all ſuch places as are or have been protected by any Commander deriving authority from His Majeſty ſoe that the County of the City of *Corke*, and the County of *Corke* be agreed to remaine unto us, with ſuch generall and particular ſavings for you, as is expreſſed for the Counties in *Leinſter*. named unto us, and with ſuch proviſions, and ſavings as is expreſſed for *Leinſter*.

ORMONDE.

September, the 6. 1643.

Or *Connaght*, I ſhall agree that the ſeverall Counties of *Galway*, the Towne of *Galway*, *Mayo*, *Roſcomon*, *Slygo*, and *Leitrim*, in the Province of *Connaght*, and all ſuch Caſtles, Lands, Tenements, and Hereditaments, in the ſaid Province, which on

the day of were poſſeſſed by your party, ſhall during the *Ceſſation* remaine entirely in the hands of your party, excepting all ſuch Territories, Caſtles, Lands, Tenements, and Hereditaments, within the ſaid ſeverall *Counties*, which upon the ſaid day of were poſſeſſed by any of His Majeſties Forces, or by any of His Majeſties Proteſtant Subjects, or ſuch as adhæreunto them, and except likewiſe all ſuch places as are protected by the Lords Iuſtices or by any Commander deriving authority from His Majeſty. And likewiſe excepting all ſuch Barronies, Lands, and Hereditaments, as have not hetherto contributed to any former *Ceſſes* or contributions to your party, with like ſavings for the Corne of each ſide as is expreſſed for *Leinſter*.

ORMONDE.

September the 6. 1643.

FOr *Vlſter*, becauſe I am not fully informed how the ſtate of the *Counties* of that Province doe now ſtand, I doe hould it, the ſafeſt and equaliſt way for either party that the limitation of Quarters, in that Province be agreed upon in the words following, *viz.* That ſuch *Counties*, Barronies, Lands, Tenements and Hereditaments in the Province of *Vlſter*, which the day of were poſſeſſed by the Armies deriving authority from His Majeſty or by any of His Proteſtant Subjects, or any that adhære unto them, and all places protected by any Commander deriving authority from His Majeſty ſhall during the ſaid Ceſſation

ſation remaine intirely in the hands of our party excepting ſuch Caſtles, Lands, and Hereditaments, as the ſaid day of were poſſeſſed by any of your party. And that all ſuch Counties, Barronies, Lands, Tenements, and Hereditaments, in the ſaid Province, which the day of were poſſeſſed by your party, excepting places protected by any Commander deriving authority from His Majeſty, and excepting ſuch Lands, and Hereditaments, as the ſaid day of were poſſeſſed by any of our party, ſhall during the ſaid Ceſſation remaine entirely in the hands of your party.

ORMONDE.

September the *6. 1643.*

Concerning Quarters in the Province of *Leinſter*, there is in your Lordſhips laſt draught an exception unto your party, of all places Protected by any Commander of your party, which we conceive ſhould not extend to the Lands, but to the benefit, which upon taking of ſuch protection, was contracted for to be payed to either party reſpectively, and hetherto enjoyed by vertue thereof within each others Quarters. And touching the Barrony of *Ardee*, that or ſoe much thereof as ſhall be in the poſſeſſion of either party, at the time of the concluſion of this Ceſſation, to be accordingly enjoyed during this Ceſſation, and as for *Ballyboughe*, we agree that if the Tenants thereof rooke protection, they be liable to pay ſuch contribution thereout, as one taking of ſuch Protection they agree to give, and to continue their poſſeſſi-

on during this Ceſſation. We agree to the contents of your Lordſhips laſt anſwer touching the Corne, other then where therein the words (Vndertenants) is mentioned the words Sowers and Manurers be allowed and inſerted. The proviſo that none of your party ſhould pay contribution, &c. is too gennerall and ſubject to much ambiguity, and therefore to be thus limited, that the places within the Quarters of each of us, and ſuch places as are ſaved unto each of us, reciprocally within the Quarters of the other, doe not contribute but to that party to whom thoſe places belong, or are ſaved, as for the deviſion of waſts, there being particular limits put to each others quarters, and the waſts within thoſe quarters limited for your party being entirely admitted unto you without any deviſion unto us, we ſhall expect the like within our Quarters to avoid all occaſions of difference allowing to the Garriſons which each of us ſhall have reſpectively within the Quarters of the other, the ſeveral demeanes of thoſe Garriſons.

Muskery. *Lucas Dillon.* *Ni. Plunket.*
Ri. Barnwall. *Rob. Talbott.* *Torlogh ô Neile.*
Geoffrey Brown. *Ever Magennis.* *John Walſh.*

September the *6. 1643.*

Sent unto you, draughts of Quarters for the foure *Provinces*, as reaſonable as I could conceive, and you have returned anſwer onely to that of *Leinſter*. I expect therefore to receive the reſt, that this matter may receive a ſpeedy concluſion one way or other.

ORMONDE.

September the 6. 1643.

TOuching *Quarters* in the Province of *Munſter*, in regard the greateſt part of the County of *Corke* is actually poſſeſſed by our party, we may not agree to the laſt draught ſent by your Lordſhip for ſoe much thereof as concernes that County. Therefore doe conceive it more equall, and thereupon may not but inſiſt, that ſoe much of the ſaid County of *Corke*, as is within the Subſequent Garriſons, (*viz.*) from *Youghall* to *Mogeely*, thence to *Farmoy*, thence to *Michells Towne*, thence to *Liscarroll*, thence to *Mallo*, thence to *Corke*, thence to *Carrickroghon* thence to *Rochfordſtowne*, thence to *Bandonbridge* and thence South-ward to the Sea, together with the ſaid Garriſons, ſhall during this Ceſſation remaine to your party, and that the reſidue of the ſaid County, ſhall remain to our party, with ſuch proviſions and ſavings for Corne and otherwiſe reciprocally as is expreſsed for the Counties of *Meath*, and *Kildare*, in the Province of *Leinſter*.

Muskery. *Lucas Dillon.* *Nic, Plunkett.*
Ric. Barnewell. *Rob. Talbott* *Torlogh ô Neile.*
Geoffrey Browne. *Ever Magennis* *John Walſh.*

September the 6. 1643

FOr the Quarters in the Province of *Connaght*, we deſire the diſtinction betweene Proteſtants and others may

may be omitted, and the saving, left in generall words to your party. And likewise as to the places protected, they are not to be excepted, but the benefit accruing to your party, thereby to be reserved, as to the exemption of Barronies, Lands, &c. not hether unto contributing &c. from contributing to our party, if it be intended of Baronies Lands &c. belonging to your party, we conceive it reasonable, but if to our party, we conceive that clause is fit to be omitted, and as for the saving of Corne of either side, We are content as it shall be agreed for *Leinster*.

Muskery. *Lucas Dillon.* *Nic. Plunckett.*
Ric. Barnwell. *Robert Talbott.* *Tirlogh ô Neale.*
Geffrey Browne. *Ever Magennis* *John Walsh.*

September the 6 1643.

TOuching the *Quarters* of *Vlster*. We have presented the same to your Lordship with limitations of such Counties to the Forces of the other part, wherein they are most prevalent, and a saving to us of the possessions therein, which shall be in the hands of our party, the day of the conclusion of this Cessation, and with limitations of the other Counties to our Party, and the like saving to the Forces of the other part in those Counties. Which being Consonant to the course propounded by us for the rest of the Provinces, we conceive it not fit to differ from the same, being safe and equall to the Propositions of each Party in regard of the reciprocall savings, and touching the Corne in that Province sowne by either party, we shall agree to such Settlements, in that behalfe

as

as ſhall be agreed on in the Province of *Leinſter*, touching the Corne there.

Muskery.	*Lu. Dillon.*	*Nic. Plunckett.*
Rich. Barnewell	*Robert Talbott.*	*Torlogh ô Neile.*
Geoffrey Browne.	*Ever Magennis*	*John Walſh.*

September the 7. 1643.

Vlſter.

CConcerning *Quarters* in *Vlſter*, I conceive my laſt draught was ſafe and equall for both parts, and will ſoe appeare hereafter, and that I ought not to be preſt by you to allowe the Counties of *Cavan*, *Monaghan*, *Ardmagh*, *Farmanagh*, *Donnegall*, and *Tyrone*, by name unto you, upon a ſuppoſition that the Forces of your party are moſt prevalent there, and that his Majeſties Forces are moſt prevalent onely in the Counties of *Antrim*, *Londonderry*, and *Downe*, and County of the Towne, of *Carrickfergus*, when as it is well knowne to your ſelves that *Owen Row o Neile*, the Commander of your Forces in that Province hath left that Province, and is now joyned with other Forces of yours in the Province of *Leinſter*, and that I cannot find that your Forces are prevalent in any one County in the Province of *Vlſter*, unleſſe it be in the County of *Cavan*, whereof I am now doubtfull, and therefore I conceive that you ought to reſt Satisfied with my laſt draught, which allowed to each party, without naming any County on either ſide, ſuch Counties as they ſhould reſpectively enjoy on the day to be agreed on, with uſuall ſavings to each party, as in other Provinces.

ORMONDE.

September, the 7. 1643

I Have received intelligence that one *Thomas Fray* hath been taken prisoner by six horsemen of your party neere this place, I therefore expect that present redresse may be had, and the man set at Liberty.

ORMONDE.

September. the 7. 1643.

Vlster. Concerning QUARTERS in *Vlster*. Albeit that we know that the Counties desired by us to be expressly named for our Quarters are in our possession, and our constant Forces there more prevalent, yet in as much as the generall way propounded by your Lordship Leaves all our owne unto us, we doe assent unto it, with the usuall saving &c. Though we desired that this Province might goe the same way with the other provinces.

Muskery. *Lucas Dillon.* *Ni. Plunckett.*
R. Barnwell. *Rob. Talbott* *Tirl. & Neile.*
Geoffrey Browne. *Ever Mageniis* *Io. Walsh.*

September, the 7. 1643.

Concerning

oncerning the Quarters in *Munſter*, I muſt ſtill inſiſt upon my former draught, which I ſent unto you in the nomination of the Counties of that Province, And whereas in your laſt anſwer, you limit the Quarters for our party, in the County of *Corke*, to certiane Garriſons by you named, upon Suppoſition that you have the greateſt part of that County, which I may not admit, and in regard we have a very Conſiderable part of that County, and that the Chiefe Maritime townes there are in the hands of our party, and almoſt all His Majeſties Forces of that Province there reſident, I may not therefore reſide from my former draught, in naming of that County for our party, with ſavings for your party, as formerly was propoſed, wherein you may reſt ſatiſfied. *Munſter.*

ORMONDE.

September. the 7. 1643.

Received your anſwer touching *Tully*, and not to enter into diſpute touching the particulars therein mentioned, whereunto I might give a ſatiſfactory anſwer, but that it would take up too much time. It is conceived that it is not comely, that whileſt there is a Treaty in this County about a Ceſſation of Armes, A place which was taken in by His Majeſties Army, and hath been for along time poſſeſſed by our party, and is

ſoe neere unto this place where His Majeſties Commiſſion of Grace is in Execution, ſhould be beſieged. And therefore to the end that this Treaty may the better goe on, I muſt againe move that you give preſent Order for the remove of that Siege, and to ſet down ſome courſe, whereby I may not be troubled in this kind during this Treaty, leſt ſome ill conſequences doe enſue by your protracting or denying thereof.

ORMONDE.

September, the 7. 1643.

YOur Lordſhip may be pleaſed to take into conſideration what we have formerly written in the juſtification of our Forces, and their proceedings, *Whereunto* we referre our ſelves, for our anſwer to your *L*ordſhips laſt meſſage concerning *Tully*, as for what is paſt. But in as much as the limiting of Quarters, which we expected would be ended in few houres, hath taken up too much time, and that now we are hopefull of an agreement, we will conſent to any courſe, whereby the preſent worke may goe on freely, & we freed from having any intention to hinder his Majeſties Service, and for the preſent will give Order that the Earle of *Caſtle Haven* with his Forces ſhall raiſe his Siege from *Tully*, and for avoyding of further inconveniencies (although we take God to witnes we doe not deſire to protract time) we hould a Temporary Ceſſation in this Province during the preſent Treaty to be the beſt courſe, which we will agree unto,

if

if your Lordſhip be ſo pleaſed.

Muskery.	*Lu. Dillon.*	*Nic. Plunckett.*
Robert Talbott.	*Ric. Barnewell.*	*Tirlogh ô Neile.*
Geoffrey Browne.	*Ever Magennis.*	*John Walſh.*

September the 7. 1643.

I Have received your Conſent for raiſing the Siege at *Tully*, and accordingly I deſire that you give preſent Order to the Earle of *Caſtle-Haven*, or other Commander there, and a Safe Conduct for him who ſhall carry the ſame, And for the reſt of the matters contained in your laſt, I ſhall returne you an anſwer with all Convenient Speed.

ORMONDE.

Our very good Lord

For important reaſons which hereafter ſhal be imparted unto you, we have aſſented to the raiſing of the ſiege of *Tully*, and therefore muſt pray your Lordſhip that upon receipt here of, you remove your Forces from that Sieg, and continue them in a readines to be applied to ſuch fur-

ther Service as you ſhall thinke fit, ſoe Committing you to God we reſt.

Sigginſtowne 7. September, 1643.

Your Lordſhips Loving friends and Servants.

Muskery. *Lucas Dillon,* *Nic. Plunckett.*
Rich. Barnewell. *Robert Talbott.* *Torlogh ô Neile*
Geoffrey Browne. *Ever Magennis* *Iohn Walſh.*

To the Right honorable the Earle of *Caſtle-haven.*

September, the 7. 1643.

I Have received your letter, which you intended to have ſent to the Earle of *Caſtle-haven*, touching his rayſing of the Siedge of *Tully*. But now finding that *Tully* was formerly Surrendred unto him, & that your motion touching a Temporary Ceſſation, will take up ſome time of Conſideration, I expect that you give preſent directions unto him not to proceed in any further Acts of Hoſtility, within this County untill ſome reſolution be taken therein, and I ſhall undertake that the like Correſpondencie ſhall be held by our party, in this County, that ſoe the buſines I have now in hand, may proceed without any further interruption,

ORMONDE.

September

September, the 7. 1643.

IN regard of the desire we have to proceed in the present Treaty, without interruption, we will (according your Lordships expectation in your last message expressed) by our letter to the Earle of *Castle-haven*, direct his Lordship not to Proceed in any further Acts of Hostility within this County untill ten of the Clocke on Saterday next in the morning.

Muskery. *Lucas Dillon.* *Nic. Pluncket.*
Ric. Barnewell. *Rob. Talbott.* *Torlogh ô Neile.*
Geoffrey Browne. *Ever Magennis.* *John Walsh.*

September. the 7. 1643.

CONcerning the Quarters in the County of *Corke*, certainely if we be rightly understood, there cannot be any difference between us, for we doe allow unto your party the said County, excepting such parts thereof as lye without the subsequent Garrisons, *viz. Youghall, Mogeely, Farmoy, Michellstown, Liscarroll, Mallo, Corke, Currick-Roban, Rotchfortstowne, Bandonbridge, and Tymolague*, which excepted quarters we desire to be allowed for our Quarters, within which we doe not understand that there is one Garrison belonging to your party, and if there be, the reciprocall Savings, and exceptions agreed or to be agreed, to be incerted in the other Provinces will

will receive the ſame, and although the chiefeſt Ports of that County be in the poſſeſſion of your party, yet we have ſome in our hands, and our Forces have been alwayes and at this time very conſiderable within that County.

Muskery. *Lu. Dillon.* *Nic. Plunckett.*
Ric. Barnewell. *Robert Talbot.* *Terlogh ô Neile.*
Geffrey Browne. *Ever Mgennis.* *Iohn Walſh.*

September the 7. 1643.

IN anſwer of our laſt concerning the Settlement, of Quarters in the ſeverall Provinces, we received your Lordſhips anſwer to the Province of *Munſter* & *Vlſter*, onely, whereunto we made our returne, therefore to the end we may the ſooner come to a Contribution, we deſire to know your Lordſhips pleaſure in the reſt.

Muskery. *Lu. Dillon,* *Nic. Plunckett.*
Rich. Barnewell, *Robert Talbott:* *Geoffrey Browne.*

September, the 7. 1643.

Leinſter. IN anſwer to your exceptions taken to my laſt draught concerning Quarters in *Leinſter*. I doe further declare my ſelfe, that for protected places this may be the Rule. That thoſe places which have been protected doe pay according to the agreement, which was made, and if noe agreement, were made, to pay the fourth ſheafe, to thoſe Garriſons,

of

or persons who protected them, That the Barony of *Ardee*, or what part thereof was or shall be possessed by our party, the day to be agreed on, may be saved within the generall saving according to my last answer, which may be satisfactory unto you, That for *Ballibought*, the generall saving also may be satisfactory unto you, and the above clause that the Tenants paying according the former rule, may continue possession during the Cessation. I doe also allow the words sowers and manurers in stead of under Tenants, Provided they come in a peaceable and ordinary way make up their Corne, and not Armed. I doe agree to the limiting of the Provisions touching the places which shall pay contribution in such sort as is desired. But to straighten his Majesties Garrisons to their demeasnes, I may not, for the reasons given by me in my former answer, neither is it equall which you propound by seeming to desire noe more for your Garrisons, in our Quarters, for you have no Garrison that I know on this side the *Liffy* or *Boyne*, which is limited for our Quarters in the Counties of *Kildare*, and *Meath*, and other answer then my former I may not give you unto this particular.

ORMONDE.

September, the 7. 1643.

Concerning Quarters in *Connaght*, I shall agree that the severall Counties of *Gallway*, the Towne of *Gallway*, the Counties of *Mayo*, *Roscomon*, *Slygo*, and *Leitrim*, in the Province of *Connaght*, and all such Castles, Lands, Tenements, & Hereditaments in the said Province which *Connaght*

the ſaid day of were poſſeſſed by your party, ſhall during the Ceſſation remaine entirely in the hands of your party, excepting all ſuch Territories, Caſtles, Lands, Tenements, and Hereditaments, within the ſaid ſeverall Counties, which upon the ſaid day of were poſſeſsed by any of His Majeſties Forces, or by any of our party, and excepting likewiſe all ſuch places as are protected by the Lords Iuſtices, or others His Majeſties Governors, and the places of ſuch as doe adhære unto our party, as for Contributions that ſhall be doubtfull, the ſame to be regulated, and aſcertained by indifferent Commiſſioners in each County.

ORMONDE.

September the 7. 1643.

Leinſter IN anſwer to your Lordſhips laſt draught, concerning Quarters in *Leinſter*, We agree that thoſe places which have been protected doe pay according the agreement which was made, and if noe agreement was made, the Quarters of each party being limited, the places within thoſe Quarters, and not included in the ſaving are to remaine to each party reſpectively within whoſe Quarters they ſhall happen, free from Contribution according the proviſo to that purpoſe by us propounded in our laſt draught, and now agreed unto by your Lordſhip. And concerning that of *Ardee*, and *Ballybought*, though we conceive our deſires were equall, and fit to be granted, yet we will preſſe thoſe particulars no further, but reſt ſatisfied with your Lordſhips laſt anſwer. And as concerning the

the ſtraightning of thoſe Garriſons to their demeaſnes which your party ſhall have within the Quarters to be limited for our party, we ſhall agree that if the demeaſnes be not competent for them, that more Lands be allowed them, as upon conſideration had of the ſtrength, and largeneſſe of ſuch Garriſons ſhall be thought fit by indifferent Commiſſioners to that purpoſe to be appointed, the like to be afforded to us for ſuch Garriſons, as we ſhall have within your Quarters.

Muskery. *Lu. Dillon.* *Nic, Plunckett.*
Ric. Barnewell. *Rob. Talbott* *Terlogh ô Neile.*
Geoffrey Browne. *Ever Magennis* *Iohn Walſh.*

September the *7. 1643.*

VVE muſt ſtill inſiſt that the places protected are not to be excepted, but the benefit ariſing to your party, to be reſerved to you. Secondly we conceive, that all adhærents are of that party to whom they adhære, and therefore deſire that thoſe words be omitted, as here they are uſed, leaſt the inſerting of the word adhæring to your party in a diſtinke clauſe may give occaſion of a doubtfull conſtruction, as for any doubts that ſhall ariſe in matter of contribution: We are content a generall courſe be taken by indifferent Commiſſioners or otherwiſe as ſhall be agreed. *Connaght*

Muskery. *Lu. Dillon.* *Nicholas Plunckett.*
Ric. Barnewell. *Rob. Talbot.* *Terlogh ô Neile.*
Geoffrey Browne. *Ever Magennis.* *Iohn Walſh.*

September the 7. 1643.

I Muſt take ſome time to conſider of your laſt returne touching *Leinſter* and *Connaght*. And now that we are growne ſo neere a concluſion, I doe expect that you will upon your next comming, (which I deſire may be betimes to morrow,) declare your ſelves touching the ſupply, which I have heretofore moved unto you.

ORMONDE.

September the 8. 1643.

Propoſitions *to be taken into conſideration upon the ſetling of the* QUARTERS.

1. That Archbiſhops, Biſhops, and others of the Clergy of our party, who have been expelled out of their ſeverall Dioceſſes may have ſome reaſonable part of their meanes allowed, and ſent unto them, where they ſhall appoint for their preſent reliefe to preſerve them from periſhing during this Ceſſation; which I deſire may be aſcertained.

2. That His Majeſties Proteſtant Subjects, and ſuch as adhære unto them, whoſe Lands are Tenanted, and doe yeeld profit within your reſpective quarters, may have for their preſent reliefe a like reaſonable part of their meanes allowed

allowed and ſent to them to preſerve them from periſhing.

3. That where any of the goods of the Proteſtant Subjects, and ſuch as adhære unto them have been delivered in truſt to be kept to any of your party, that ſuch goods may be delivered, to the true and right owners.

ORMONDE.

September the 8. 1643.

IN your laſt returne touching the Quarters in *Connaght*, you inſiſt that the places protected, are not to be excepted but the benefit ariſing to our party to be reſerved unto us, to which I anſwer, that I muſt inſiſt that all places protected by any of our party, ſhall pay according to their particular agreements, with us reſpectively, and where noe agreement is made, in ſuch caſe they are to pay the fourth ſheafe, to our party, for the word (adhærents) ſeeing you confeſſe them to be of that party to whom they adhære, I ſee noe inconveniency can ariſe to you in uſing of the word: And therfore I may not admit that it be omitted but that it be incerted according to the draught I ſent you. And for any doubts that ſhall ariſe in matter of contribution I aſſent to the courſe propoſed by you, that it be ordered by indifferent Commiſſioners. *Connaght*

ORMONDE.

September the 8. 1643.

WE conceive our laſt draught ſent touching Quarters in the ſeverall Province did reduce matters ſo neere a concluſion, as there needs not much time to be ſpent, in drawing the point to a ſettlement, and as in ſeverall former anſwers from us, we have declared that we could not proceed to the matters of ſupply till the Quarters were aſcertayned, ſo we ſee not any cauſe to vary from our ſaid former reſolutions, being ſtill of opinion that the matter of ſupply is to fall into conſideration in the laſt place of the concluſion of the Treaty, wherein, we will with all cheereſullneſſe, to the beſt of our abillities endeavour to expreſſe our forwardneſſe.

Muskery. Lu. Dillon. Ni. Plunckett. Ri. Barnewell.
Robert Talbott. Torlogh ô Neile. Geoffry Browne.
Ever Magennis. John Walſh.

September, the 8. 1643.

I Deſire that you would explaine theſe words in the laſt draught which you returned me concerning *Leinſter*, viz. (And if no agreement was made, the Quarters of each part being limited, the places within thoſe Quarters, and not included in the ſaving are to remaine to each party reſpectively within whoſe Quarters they ſhall happen, free from contribution according to the proviſo to that purpoſe propounded in our laſt draught, and now agreed unto for it is not cleere unto

unto me) what you intend by the ſaid clauſe, which being explayned, I ſhall returne you my fi..all anſwer.

ORMONDE.

September the 8. *1643.*

FOr explanation of the words in our draught returned to your Lordſhip, concerning *Leinſter*, our meaning therein was, (whereas your Lordſhip in a draught of yeſterdayes date ſent us, did declare that thoſe places which have been Protected ſhould pay according to the agreement which was made, and if noe agreement were made, to pay the fourth ſheafe to thoſe Garriſons or perſons who protected them) in anſwer thereunto, that if noe agreement, were made, thoſe places ſhould remaine to the parties reſpectively within whoſe Quarters they ſhould happen to be, free from paying contribution or fourth ſheafe to the other party, which is agreeable to the contents of a proviſo concerning contribution propounded in a draught of ours ſent to your Lordſhip and dated the ſixth of this month and agreed unto in your Lordſhips ſaid anſwer of yeſterdayes date.

Muskery. *Lu. Dillon.* *Nic. Plunckett.*
R. Barnewell. *Robert Talbott.* *Tirlogh ô Neile*
Geoffrey Browne. *John Walſh.*

September the 7. *1643.*

Forasmuch

FOrasmuch as the motion touching a Temporary Ceſſation in the whole Province, may take up as much time in the ſetling thereof as may bring this whole Treaty to a concluſion, and therefore will take up further time then unto Ten of the clock upon Saturday being the time limited by your anſwer yeſterday for forbearing acts of Hoſtility. And foraſmuch as many places in the County have as yet no notice of this your anſwer, ſoe as unleſſe it be continued untill Munday, I ſhall not be at that freedome to intend the bringing of this Treaty unto concluſion as otherwiſe I ſhould, I doe therefore, and for the reaſons in my former anſwer touching this matter mentioned, thinke fit that the ſame be continued untill Munday night next, by which time this Treaty may be brought to a concluſion, And if you ſhall conſe tunto it, I doe conceive it neceſſary that notice be thereof ſent this night.

ORMONDE.

September. the 8. 1643.

Connaght IN this Province ſeverall Protections have been granted from time to time, to ſuch as afterwards joyned to our party, or their Lands made ſubject to our Forces, and contributors with ours, wherefore we conceive that nothing is to be expected, in ſuch caſe, the Lands falling within our Quarters, no more then out of Lands once in the actu all poſſeſſion of your party, and gained from them, and therefore we deſire that the reſervation of the fourth

ſheafe

ſheafe be not preſt upon us, it being very unfit, and of ill conſequence to us to admit it, and noe prejudice to your party, ſeeing that doubts that ſhall ariſe in matters of contribution are to be ordered by indifferent Commiſſioners which together with what is alleadged in this particular for the Province of *Leinſter*, we hope will ſatisfie your Lordſhip. And as for the word (adhærents) ſeeing your Lordſhip admits that they are of that party to whom they adhære, and that we conceive they may adminiſter occaſion of doubts in the conſtruction of ſome, and therefore it being a ſuperfluous word, and that it may bring inconveniencies upon us, we are neceſſitated to inſiſt that it may be omitted.

Muskery. *Lu. Dillon.* *Ni. Pluncket*
R. Barnwell. *Rob. Talbott* *Tirl. ô Neile.*
Geoffrey Browne. *Ever Magennis* *Io. Walſh.*

September the 8. *1643.*

IT is very doubtfull unto us, what is intended, or what iſſue to expect of this buſines, we conceive what remaines to be agreed on, is not two houres worke, and yet much time is ſpent about it, we ſtay our Forces from acts of Hoſtility leaſt interruption ſhould be given to His Majeſties Service and gracious intentions towards us, your party of the other ſide, doe prepare and drawe into the Field, and if our intelligence be right, goe about to call in perſons very ill affected to His Majeſty to anoy thoſe Forces we would willingly imploy to doe Him Service, we

cannot be charged with delayes, our desire is to expedite the Service, and to make a speedy conclusion, for which we desire your *Lordships* answer to what remaines upon your hands; And although we see all the disadvantage to us that may be, by the continuance of our directions to the Earle of *Castle-Haven*, and that we are nothing the more forward for it, yet in further manifestation of our desire to expedite this Service, We will consent to continue our said directions till Seaven of the clock in the afternoone to morrow, by which time we hope the busines will be at an end.

Muskery. *Lu. Dillon.* *Nic. Plunekett.*
Ric. Barnewell. *Robert Talbott.* *Tirlogh ô Neile.*
Geoffrey Browne. *Ever Magennis.* *John Walsh.*

September the 8. 1643.

Leinster. TOuching Quarters in *Leinster*, I may not agree to your explanation, for my expression hath been from the beginning that if noe agreement were made with those who were protected, that the fourth sheafe of the Corne should be paid by them, though they were within your frontire Garrisons, and that is agreeable to the severall rule formerly agreed unto touching the Corne, and this explanation of yours gave me occasion to peruse the former proceedings concerning this Province, and finding these words in your draught *via.* (and that so much of the County of *Kildare*, as is one that side the *Liffy*, where

Naas

Naas, is ſcituate ſhall during the ſaid Ceſſation remaine in the hands of your party) to declare my ſelfe that I did intend by theſe words, no more then from the *Liffy*, weſtward of the *Naas*, and from thence in a direct line to *Cloncurrie* with reciprocall ſavings on both ſides, as in the ſaid draught is expreſſed. And for the waſt Lands beyond demeaſnes mentioned in your precedent anſwer, by which I conceive you intend all Meadowes, Paſtures, and other Lands aſwell profitable as unprofitable, not manured being within frontire Garriſons, and Garriſons within each others Quarters, I conceive it neceſſary they be equally proportionably and ſpeedily devided by indifferent Commiſſioners.

ORMONDE.

September, the 9. 1643.

I Aſſent that thoſe who after protection taken from any of our party, have joyned unto yours, ſhall not pay contribution to our party, but whereas there may ariſe differences touching perſons that may be ſaid to decline our party, and to joyne themſelves unto yours and conſequently touching the contributions payable by them, I doe conſent that ſuch diſputes be determined by Commiſſioners indifferently choſen, and touching the word (adhærents) ſeeing that you confeſſe they are of that party to whom they adhære, I am content (if you declare your intention to be that none of our party ſhall contribute to yours) not *Connaght*

to insist any longer about the word, or else if you be not satisfied herewith, to leave the matter touching adhærents to indifferent Commissioners to be chosen on each side.

ORMONDE.

September the 9. 1643.

Munster.

I Doe agree to the Quarters set forth in the County of *Corke*, soe as the line on the North side from *Michellstowne*, and *Liscarroll*, extend as farre as His Majesties out Garrisons on that side doe extend with reciprocall savings as in your draught, And because I understand that in the County of *Waterford*, our party doth injoy a good tract of Land, with divers considerable Garrisons, *viz.* *Knockmoane*, *Ardmore*, *Piltowne*, *Capoughquin*, *Ballynetrea*, *Stroncally*, *Lismore*, *Ballyduffe*, *Lisfiny*, and *Tallowe*, I desire that it be expressed thus, that the said Townes by name, or as many of them as shall be in our possession the day of be particularly saved, with such generall reciprocall savings, and provisions, *&c.* as in the other draughts.

ORMONDE.

September the 9. 1643.

TO

TO the third propoſition, I agree that all perſons and Veſſells whatſoever which ſhall bring in any Proviſion to any Harbour in this Kingdome under the Command of his Majeſties Forces from *Minehead*, and *Whitehaven*, and all Ports between them not uſing any Acts of Hoſtility to you, or to your party, ſhall not be interrupted by you or any of your party either in their comming hether, or returning, And that any perſons, or Veſſells which ſhall bring proviſions to any Harbour in this Kingdome, under the Command of His Majeſties Forces, from any other Ports of the Kingdome of *England*, not in His Majeſties hands, if they have His Majeſties paſſe or the paſſe of any other deriving authority from His Majeſty, ſhall not be interrupted by you, or any of your party, either in their comming into this Kingdome, or their returne. And this to be a rule untill His Majeſties pleaſure be further declared therein.

To your Eight Propoſition, I agree that His Majeſties Command ſhall be equally layed upon all His Majeſties Forces within this Kingdome, to yeeld obedience to the releaſe of ſuch Priſoners as I formerly aſſented unto. And if any of them under my Command ſhall refuſe to obey, they ſhall be compelled to obedience, and if any others ſhall refuſe, I ſhall upon ſignification of His Majeſties pleaſure obey the ſame.

ORMONDE.

September, the 9. 1643.

Leinſter IN our laſt draught touching Quarters in *Leinſter*, We did forbeare preſſing ſeverall particulars which with rule of equallity, we conceived might juſtly be expected hoping to draw matters ſooner to a Concluſion, And yet now we find a new line different from your Lordſhips, and our former draughts, preſcribed for deviſion of Quarters in the County of *Kildare*, which being formerly admitted we might inſiſt thereon, but to the end our readines may further appeare for drawing the Treaty to an end, we agree that your parties Quarters, dce on the other ſide of *Liffy*, extend from *Dublin* weſtward into the County of *Kildare*, ſoe farre as *Rye-water*, at *Kilcock*, and ſoe farre betwixt that and *Liffy*, as ſhall be at the ſame diſtance from *Dublin*, as the ſaid *Rye-water* is at *Kilcock* on that ſide of the *Liffy*. And concerning the fourth ſheaſe demanded from Protected places to be payed to thoſe Garriſons or perſons who protected them, in caſe where noe agreement was made, We agree thereunto, other then as to ſoe many of thoſe Garriſons who granted ſuch Protections, and are ſince regained by, or now in the poſſeſſion of our party, and touching waſte to be allowed to the Garriſons which your party ſhall happen to have within our Quarters, We agree that thoſe Garriſons have ſuch Comperencie thereof as ſhall be found neceſſary for them by any indifferent Commiſſioners to be appointed to that purpoſe, And having thus farre aſſented to all things which can be expected from us, We deſire that this matter touching Quarters may receive your Lordſhips approbation, and ſettlement.

Muskery. Luke Dillon. Nic. Pluncket. R. Barnwell:
Torlogh ô Neile. Geoffrey Browne. John Walſh:

September

September the 9. 1643.

VVE doe assent to your Lordships last Proposition concerning this Province only that we may not declare our selves who shall contribute, but as your Lordship conclud's are content to leave the matter touching adhærents, and contributions to indifferent Commissioners to be chosen on each side, and soe this busines we conceive to be agreed.

Muskery. *Lu. Dillon.* *Nic. Plunckett.*
Rich. Barnewell *Robert Talbott.* *Torlogh ô Neile.*
Geoffrey Browne. *Ever Magennis* *John Walsh.*

September the 9 1643.

THough we find much inequallity to our party, in the setting forth of Quarters within the Counties of *Corke* and *Waterford*, as in your Lordships last draught is Propounded, yet to give a speedy conclusion to the Treaty now in hand, we doe consent thereunto. *Munster*

Muskery. *Lu. Dillon.* *Nic. Plunckett.*
Rich. Barnewell. *Robert Talbott.* *Torlogh ô Neile.*
Geoffrey Browne. *Ever Magennis.* *John Walsh.*

September, the 9. 1643.

TO

Touching Quarters in the foure *Provinces*. I doe agree unto them, as the same are drawne, and consented unto on both sides, and having thus farre proceeded, I desire an answer to those Propositions of mine which remaine in your hands;

And I doe further Propound that a course be taken mutually for preservation of woods, and Timber Trees from wast, and destruction, though out of the Quarters on both sides, which I conceive may be for His Majesties service, and the good of the Kingdome,

ORMONDE.

September the 9. 1643.

Touching your Lordships Three Propositions sent unto us Yesterday touching Bishops, *&c.* In as much as this Cessation is but Temporary, We hould them to be of that nature as are not proper for the time, till there be a further settlement, many of our party suffering in the like kind;

And for preservation of Woods we shall agree to any course, that Commissioners on both sides shall set down.

Muskery. *Lu. Dillon.* *Nicholas Plunckett.*
Ric. Barnewell. *Rob. Talbot.* *Terlogh ô Neile.*
Geoffrey Browne. *Ever Magennis.* *Iohn Walsh.*

September the 9. 1643.

To

Touching your Lordſhips anſwer to the third Propoſition. We agree that Veſſells bringing Proviſions to any Harbour in this Kingdome, in the hands of ſuch as ſhall obey the Articles of this Ceſſation, Comming from *Mine-head*, and *White haven*, and from all Ports between them, ſoe they be Shipps belonging to any of thoſe Ports, and doe not uſe any Acts of Hoſtility to us, or our party, ſhall not be interrupted by us, or any of our party, either in their comming hither, or returne, And we likewiſe agree that all Veſſells bringing Proviſions to any Harbour in this Kingdome, in the hands of ſuch as ſhall obey the Articles of this Ceſſation, comming from any other Ports in the Kingdome of *England*, and having His Majeſties paſſe ſhall not be interrupted by us, or any of our party. Either in their comming into this Kingdome, or in their returne, and this to be a rule untill His Majeſties pleaſure be further declared therein upon application of our Agents, and this is as much as with ſafety we can agree unto touching this matter.

To the eight we are ſatiſfied with your Lordſhips laſt anſwer.

Muskery.	*Lu. Dillon.*	*Nic. Plunckett.*
Ric: Barnewell.	*Rob: Talbott.*	*Tirlogh ô Neile.*
Geffrey Browne.	*Ever Magennis.*	*John Walſh.*

September the 9. 1643.

IN your laſt returne touching your third Propoſition, you agree that Veſſels bringing Proviſions to any Harbour in this Kingdome, in the hands of ſuch as ſhall obey the Articles of this Ceſſation, comming from all Ports of *England*, which are not from *Minehead* and *Whithaven*, and the Ports between them, and having His Majeſties Paſſe, ſhall not be interrupted by you, or your party, and you doe therein omit thoſe who ſhall have Paſſes from others deriving authority from His Majeſty, which omiſſion I conceive may be very prejudiciall to His Majeſties Army here, in hindring thoſe who would bring over Proviſions, I muſt ſtill therefore inſiſt to have thoſe words added, which being done, I ſhall aſſent to the concluding of that Propoſition.

ORMONDE.

September the 9. 1643.

IN our laſt anſwer touching our third Propoſition, we did agree ſoe farre as with ſafety we could, and as to the other ports in the Kingdome of *England*, other then thoſe of *Minehead* and *Whitehaven*, and the ports between them, conſidering His Majeſties Army may be well Stored with Proviſion from thoſe, and from other the Ports in *England* by ſuch Veſſells as ſhall have His Majeſties paſſe, we conceive this matter is fully anſwered by our laſt draught, yet to Satiſfie your Lordſhip further, we agree that all Veſſells bringing Proviſion to any Harbour

bour in this Kingdome in the hands of ſuch as ſhall obey the Articles of this Ceſſation, and comming from any ports in the Kingdome of *England*, and having His Majeſties paſſe or the paſſe of any who is or ſhall be His Majeſties Admirall or Vice-Admirall, or having the paſſe of any Governor, or Governors, of any the ports in *England*, in His Majeſties hands, ſhal not be interrupted by us, or any of our party, neither in their comming to this Kingdome, or in their returne, ſoe as they uſe not any Acts of Hoſtility, to us, or our party.

Muskery. *Lu. Dillon.* *Ni. Pluncket.*
Ri. Barnwell. *Rob. Talbott.* *Torlogh ô Neile.*
Geoffrey Browne. *Ever Magennis.* *John Walſh.*

September the 9. 1643.

I Now remaines onely in your hands, to put an end to this Treaty by making ſuch anſwer as ſhall be reaſonable to my demands made on His Majeſties behalfe, thoſe of yours being agreed, I therefore expect your anſwer unto them, & that in the meane time you take ſuch order, as that the Earle of *Caſtle-haven*, or any of your Forces proceed no further in uſing Acts of Hoſtility in this County, untill the Treaty be concluded, otherwiſe His Majeſties Service will receive much hindrance, and if you conſent thereunto, I expect that you take preſent order therein, as on the other ſide I ſhall take like order.

ORMONDE.

September the 9. 1643.

WE have formerly Propounded a Temporary Ceſſation in this province during this Treaty, which we conceive to be the beſt way for expediting thereof, and removing all interruption that might give impediment thereunto, we find the particular Ceſſation admitted by us in this County, hath drawne much prejudice one our party, for that ſeverall Forces of your party in this County have done during that time ſundry Acts of Hoſtility againſt our party, in this and the adjacent Counties by taking of prayes and otherwiſe, and that your other Forces in this Province are drawne into the Field, to annoy our party, Soe as no more can be expected from us concerning any Ceſſation from Acts of Hoſtility, as to the particular of this County, then we have already propounded for the whole Province, and what ever els remaineth to put an end to the Treaty, ſhall receive noe delay of our part.

Muskery. *Lu. Dillon.* *Nic. Plunckett.*
Ric. Barnewall. *Rob. Talbott.* *Torlogh ô Neile.*
Geoffrey Browne. *Ever Magennis* *John Walſh,*

September the 10 *1643.*

YOur motion for a temporary Ceſſation in this Province was after the drawing of Colonell *Mounck* from the County of *Wickloe* to advance againſt your Forces in the County of *Meath*, by which meanes he quitted his Quarters there, and your Forces

Forces had likewiſe taken the Caſtles of *Timolin*, and *Rathtoole* in this County, before that Colo: *Munck* advanced into the County of *Wicklow*; And for the particular Ceſſation admitted by you in this County, which you ſay drew ſoe much prejudice upon your party, whatſoever hapened unto you in that time, if any did, muſt be imputed to the ſhortnes of time, within which it was not poſſible to give notice to our ſeverall Garriſons, And ſince you will yeeld to noe further time of Ceſſation in this County, I expect a ſpeedy anſwer of the buſines which now lyeth in your hands,

ORMONDE.

September the 10. 1643.

WE conceive all matters that paſt in propoſition between us, anſwered of our part, and mutually agreed unto, other then that of the Supply, & if any other particular there be undetermined, we ſhall upon notice from your Lordſhip give anſwer thereunto, Soe as the Articles may now be drawen up, and that there remaine nothing to be conſidered of, other then that of the Supply.

Muskery. *Lu. Dillon.* *Nic. Plunckett.*
Ric. Barnwell. *Robert Talbott.* *Tirlogh ô Neale.*
Geffrey Browne. *Iohn Walſh.*

September the 10. 1643.

Conceive that the Supply is a maine Article of this Ceſſation, which in a few houres may be agreed, And that being done the Articles may be drawen up, which lyeth wholy upon you to haſten.

ORMONDE.

September the 10. *1643.*

WE ſend your Lordſhip herewith a draught of our grant of Supply, to His Majeſty whereby you may underſtand as well the ſome and times of payment, as likewiſe the nature and manner of it, which we preſent as our free gift, This onely we have to adde, that though the draught ſpeakes onely of money that in reſpect of the ſcarcitie of Coyne, we intend to leave our ſelves a liberty to pay two thirds of every payment, in Cattle, and Corne, And now that we have expreſſed our ſelves in the matter of Supply for your Lordſhips Satisfaction. We deſire that the Articles agreed on may be drawen up and concluded.

Muskery. *Lake Dillon.* *Nic. Pluncket.*
Ric. Barnewell. *Ro. Talbott.* *Torlogh o Neile.*
Geoff. Browne. *Io. Walſh.*

To

To the KINGS Moſt Excellent MAJESTIE.

May It pleaſe your Majeſty.

WE *in the Name and behalfe of your Majeſties moſt Faithfull Subjects the Catholiques of* Ireland, *by Whom we are authorized, taking into our Conſiderations your Majeſties Royall Intentions towards us, in giving eare unto our humble Petition for redreſſe of our many Grievances, and that your Highnes hath been Gratiouſly pleaſed to have a Ceſſation of Armes concluded in this Kingdome, as an introduction to a happy Peace, & ſetlement. And withall taking into conſiderations your Majeſties vaſt expence, & many diſtractions in* England, *accompt not our diſabilities (as having relation unto our ſelves) ſoe much as in that it diſableth us from complying with your Majeſties occaſions in proportion to our affections, & as otherwiſe might be expected from us, Howſoever with more regard to your Majeſties ſervice, then our owne wants, doe with all Cheerfullnes humbly make tender unto your* Majeſty, *of* Thirty Thouſand Pounds *ſterling: to be paied by three ſeverall payments,* In Manner following (*viz*) One third part in the Month of *November* next, *& the reſt at three and three* Months *end by equall Payments, with this aſſurance, that upon an eſtabliſhment of a firme Peace whereby thoſe heavy preſſures we now grown under, maybe taken of, & this* Kingdome *put into a better condicion, We will freely expoſe our Lives, and Fortunes towards the advancement, of your* Majeſties Service, *and the maintenance of your Rights, and Prerogatives.*

September

September the 10. 1643.

Have received your laſt Meſſage with a draught of your grant of ſupply to His Majeſty of thirty thouſand pounds, one third part thereof to be payed in *November* next, & the reſt in three and three Months after, by equall portions, with liberty to your ſelves to pay two third parts of every payment, in Corne & *Cattle*, wherin I doe not admit that Title given by you unto them, in whoſe name you tender it: and in as much as you take notice of His Majeſties Vaſt *Charge*, I doe therefore expect that you enlarge your ſelves further in that particular, in ſome proportion anſwerable thereunto, this being farre ſhort of my expectation, And that the firſt payment thereof, be made within ten dayes after the date hereof, which (in regard of the ſeverall motions that paſt between us, upon our firſt meeting, and ſince during this Treaty, touching this matter) I doubt not but you have already made provision of, the reſt to be payed at three and three moneths end, provided that what Cattle ſhall be delivered, ſhall be delivered before Chriſtmas next, & that the Corn & *Cattle* which ſhal be delivered, be good and merchantable, and that you doe now declare at what rates the Corne and *Cattle* ſhall be delivered, the firſt payment, to be made at the Citie of *Dublin*, and the other payments to be made at ſuch place or places, and to

ſuch

ſuch perſons as ſhall be apointed by the Lords Iuſtices or other Chiefe Governor or Governors of this Kingdome.

ORMONDE.

September the 11. 1643.

I Have even now received from you a Paper (in anſwer of mine which concerned matter of Supply for His Majeſty) without date or ſubſcription, which I doe conceive is not according to the rule agreed on, at our firſt meeting, and hitherto obſerved, and therfore if you intend that I ſhould proceed therein, you may Subſcribe the ſame, otherwiſe I ſhall make noe returne unto it.

ORMONDE.

September the 11. 1643.

A Meſſage ſent by the Lord Marques to the Lord of *Muskery. Lucas Dillon. Nic. Plancket. Ric. Barnewell. Rob. Talbott. Torlogh ô Neile. Geoffrey Browne. Ever-Magennis.* and *Iohn Walſh.* That directions might be ſent to the Earle of *Caſtle-haven*, to forbeare further Acts of Hoſtility, now that the matters in Treaty are drawne ſoe neer a concluſion.

ORMONDE.

September the 11. 1643

THE Title uſed by us in the draught of Supply to His Majeſty, is juſtly due to them, in whoſe behalfe it is offerred, and not to be excepted againſt of your part, it being the ſame they allwaies uſe in their immediate applications to His Majeſty. And which we deſire to be repreſented. Albeit we are ſenſible of His Majeſties Vaſt expence, and that there is nothing we deſire more then to contribute to the Supply thereof, Yet waying the preſent condition of this Kingdome, we find noe poſibilitie at this time of enlarging our former offer, and doe conceive that the firſt payment cannot be ſooner, then we propounded, having not hetherto made any preparation for ſuch payments, and although we may not promiſe ſpeedier payment thereof, Yet all care ſhall be uſed in ſending in ſoe much of that payment, from time to time as poſſibly can be collected, and whatſoever Cattle be delivered ſhall be within the ſeverall times of payment, and thoſe, and the Corne to be Merchantable, and at ſuch rates as the Markett goeth at the times of payment, and the payments to be made in ſuch places, and to ſuch perſons within the ſeverall Provinces as His Majeſties Iuſtices or other Chiefe Governor, or Governors, ſhall appoint.

Muskery. *Lu. Dillon,* *Nic. Plunckett.*
Rich. Barnewell. *Robert Talbott.* *Torlogh ô Neile*
Geoffrey Browne. *Ever Magennis* *Iohn Walſh.*

September

September the *12.* 1643.

I Received your returne dated yesterday, touching the Supply heretofore propounded for His Majesty. And I must insist upon it, that I may not admit the name and Title by you given unto those by whom you are imployed, howsoever that in your immediate applications to His Majesty you may tearme them as you please, I hould it not proper at this time to be offerred me, and touching the summe Propounded, and the manner of payment, I cannot recede from my former answer, & therefore doe expect that you take the same into further Consideration, and make a returne accordingly.

ORMONDE.

September the 12. 1642.

OVr draught touching a Supply is from us humbly presented imediately to His Majesty, and therefore we cannot tearme those by whom we are imployed, and in whose name it is given, otherwise then as in other their applications to His Majesty there tearmed, & concerning the summe tendred, and the manner of payment, we have proceeded soe farre therein, as can sute with the present abilities of the givers, and therfore cannot enlarge our selves further therein, neither hasten payments other then as in our last draught is expressed.

AND now we desire that your Lordship will appoint some to meet some of us, for the drawing up of the Articles in forme and as they were agreed on, that soe we may conclude the Treaty, and prevent inconveniences that may happen to the disservice of His Majesty.

Muskery. *Lu: Dillon.* *Nic: Plunckett.*
Ric: Barnewell. *Ro: Talbott.* *Torlogh ó Neile.*
Geoff: Browne. *Ever Magennis.* *John Walsh.*

September the 12, 1643.

NOt admitting in this Treaty any Title atributed to those by whom you are authorized, other then hitherto I have done, I doe to the substance of your last returne you this answer, That the summe by you offerred, doth beare noe proportion with His Majestics occations in this Kingdome, And if it did yet the time within which you offer to make payment thereof, will render it of little use to His Majesty. And therefore I must insist upon it, as a matter of much consequence for His Majesties Service, that the same be enlarged, and the first of the payments to be made at the furthest by Michaelmas next, and the rest in such manner as is expressed in my last answer, and when this is done, and the day agreed on whereunto the setlement of Quarters shall relate, (which is not yet done,) I will give present

order

Order for drawing of the Articles.

ORMONDE.

September the 12. 1643.

WE have upon a meſſage received from your Lordſhip ſent directions to the Earle of *Caſtle-haven*, that the Forces of our party in this County ſhould ceaſe from Acts of Hoſtility during this Treaty, and thereof ſent your Lordſhip notice laſt night. We deſire that your Lordſhip will give the like directions to the Forces of your party.

Muskery. *Lu. Dillon.* *Nic. Plunckett.*
Ric. Barnewell. *Robert Talbot.* *Torlogh ô Neile.*
Geffrey Browne. *Ever Mgennis.* *Iohn Walſh.*

September the 13. 1643.

WE may not vary from the Title given to thoſe by whom we are authorized, we are ſorry the ſumme by us offered doth not beare proportion with His Majeſties great occaſions, yet conſidering our diſabilities, at the preſent we cannot exceed it, but to render it the more uſefull for His Majeſties Service, we will Satisfie within one moneth next after the date of the preſent Articles of Ceſſation *five thouſand pounds* of the firſt payment, the one halfe in money, and the other halfe in Beeves, at the rate of *thirty pounds* per ſcoare, and the

like payment, within one moneth next after, and within two moneths next after *five thousand pounds* of the second payment, one third part thereof in money, an other third part thereof in Beeves, at *thirty pounds* the scoare and an other third part in Corne at *thirty pounds* per scoare of *Bristol* and Barrells, the remaine of that second payment, and the Third payment, to be payde at the times expressed in our first offer. By your Lordships message of the second of this moneth you desired to know to what day we would have the settlement of Quarters relate in case the treaty should proceed, to which we answered, that we conceived the day of conclusion of the Cessation to be the proper day, unto which your Lordship made noe reply, till by your Lordships of the ninth of this moneth you returned us your assent to the Quarters, soe as we conceived the day of the conclusion had been agreed on with the rest, And that we conceive still to be the fitest day, and may not but insist thereupon.

Muskery. *Ln. Dillon.* *Nic, Plunckett.*
Ric. Barnewell. *Rob. Talbott* *Torlogh ô Neile.*
Geoffrey Browne. *Ewr Magennis* *John Walsh.*

September the 13. *1643.*

NOt admitting in this Treaty other Title then I have hitherto done. The time and manner of payment of the Supply you intend to give, will not in any sort answer His Majesties present occasions. And therefore I have thought good once more to signifie unto you, that I expect one third

third part of what ſhall be payed, to be by the end of this moneth, the one halfe thereof in money, and the other halfe in Beeves at the rates that the market will give, or at *five and twenty pound* a ſcoare, being a good price for Beeves, and that the ſecond and third payments be made at three and three moneths after, in money, in Cattle at the ſaid rate, & in Corne at *two* and *twenty pounds* a ſcoare, at which rate it is to be bought for ready money, *Provided* that what Beeves you deſire to pay in part of the whole may be delivered before the end of the firſt foure months, which I conceive may be done with more eaſe to the Country, it falling out to be the ordinary time for the delivery of Cattle, and I am ſure with much more advantage to His Majeſties Service, then at any other time, this being the only ſeaſon of the yeare as I am enformed for ſalting, and ſeaſoning of Beefe.

And as for the Quarters, I ſhall agree, that as unto the whole Kingdome (except this County of *Kildare*) the Quarters of each partie ſhall be taken to be as they ſhall fall out on the day of the concluſion of this Treaty, but in regard His Majeſties Commiſſion touching a Ceſſation of Armes, being a Commiſſion of Grace, is in execution in the ſaid County, and that it is conceived to be uncomely, that whileſt His Majeſty is in Treaty with you for a Ceſſation of Armes, that your party ſhould at the ſame time uſe Acts of Hoſtility in the ſame County, I doe expect that what Caſtles have been taken by your Forces in this County ſince the beginning of this Treaty touching the Quarters, being the laſt of *Auguſt*, be ſurrendred to His Majeſties uſe, and as for the Corne growing on the Lands belonging to the ſaid Caſtles, I ſhall be content that the Sowers, and manurers thereof doe enjoy the ſame, paying the fourth ſheafe according to the

rule

rule already agreed upon for the whole Kingdome.

ORMONDE.

September the 14. 1643.

I Have received your meſſage in anſwer of one of mine ſignifying that you have ſent directions to the Earle of *Caſtle-haven*, that the Forces of your party in this County ſhall ceaſe from Acts of Hoſtility during this Treaty, deſiring like directions to be given to the Forces of our party, whereupon I did give preſent order to the Governor of this County accordingly.

ORMONDE.

September the *14. 1643.*

We may not but ſtill inſiſt on the Title in ſort as in our firſt offer concerning the Supply.

WHen we made our Propoſition concerning a Supply, we tooke into conſideration His Majeſties occaſions, and the preſent Condition of this Kingdome, and our deſires to comply with His Majeſties Service, did therein, & in our laſt draught induce us to enlarge our ſelves both in the ſumme, and manner of payment, ſoe farre as with any poſſibility, we could hope to performe, and therefore we deſire we may be

noe

noe farther preſt therein, but touching the rates of Beeves and Corne, if theſe be not excepted at ſuch rates as were propounded in our laſt draught, howbeit the referring thereof to ſuch rate as the markett will give, be an uncertaine way, yet we conſent thereunto, or to make full payment in mony according the ſame expreſſed in our laſt draught.

It being aſſented unto that the Quarter of each party in the whole Kingdome ſhall be taken to be as they ſhall fall out, on the day of the Concluſion of this treaty, (except the County of *Kildare*) We ſee noe reaſon why that County ſhould be excepted, the rather for that ſundry places deſerted, and burnt, and noe way defenſible have been entred into ſince our coming hither, both in that County and ſeverall other parts of this Kingdome by your party, which a Temporary Ceſſation might prevent, had it been accepted as we deſired, and therefore we may not agree to the reſtitution of any of thoſe Caſtles taken in this County by our party. They being in the hands of ſuch as will expoſe their Lives and Fortunes for the advancing of His Majeſties Service.

And as for the Corne growing or being on the Lordſhips *Lands*, Tenements, and Hereditaments, Belonging to the ſaid Caſtles, though we conceive there ought to be noe diviſion thereof, but that the whole ſhould be enjoyed by the Sowers, and Manurers, yet to comply with your Lordſhips deſires therein, We agree that the Fourth ſheafe growing on the Lands of *Tully*, *Rathbride*, *Monſter-even*, *Ellis Towne*, *Rathhaugen*, *Punchers-grange*, and *Ballymanny*, be at your Lordſhips diſpoſall this Harveſt (except *Lackah*,) and we deſire that a courſe be Set-

 tled

tled whereby those to whom the fourth sheafe of those places shall be designed doe take the same, or consideration for it, in peaceable and orderly manner.

Muskerry. *Lu. Dillon.* *Nic. Plunckett.*
Ric. Barnewell. *Robert Talbott.* *Tirlogh ô Neile.*
Geoffrey Browne. *Ever Magennis.* *John Walsh.*

September the 14. 1643.

Not admitting in this Treaty other Title then I have hitherto done.

I have received your last answer touching the Supply, and doe rest satisfied therewith, only I doe expect that the Corn, and Cattle which you shall deliver in part of payment of the summe by you offered, may be at the election of His Majesties Officers received at the rates you mentioned, or as the marketts will give for the same. Touching the Fourth sheafe by you mentioned, I am also therewith content; and will give such order that the same shall be taken in a reasonable and orderly way as is desired, or otherwise that *Eight hundred pounds* be payed by you for the same, to buy Provision for His Majesties Garrison of the *Naas*, at the election of His Majesties Officers, to be declared before the Articles be Sealed; And I doe thinke it fit, that you do presently upon returne of your answer appoin

appoint ſome to prepare Articles, as was formerly by you deſired.

ORMONDE.

September the *14.* 1643.

Maintaining the Title expreſſed in our Propoſition for the ſupply. We are content to pay the Cattle and Corne at the rates by us Propounded, or as the market will give for the ſame, at your election, ſoe as we may know which of thoſe you elect before the Articles be perfected. As for the Fourth ſheafe mentioned in our laſt anſwer, we are content the ſame ſhall be given in ſpecie, or *Eight hundred pounds* in *Liew* thereof to ſuch as your Lordſhip ſhall appoint within two moneths at your *Lordſhips* election, ſoe the ſame be declared before the perfection of the ſaid Articles.

And as for prepairing of Articles, we are ready to joyne with ſuch as your Lordſhip ſhall thinke fit, and at what time your Lordſhip pleaſe.

Muskery. *Lu. Dillon.* *Nic. Plunkett.*
Rich. Barnewell. *Robert Talbott.* *Torlogh ô Neile.*
Geoffrey Browne. *Ever Magennis.* *John Walſh.*

September the *14.* 1643.

NOt admitting in this Treaty any other Title then hitherto I have done. I have received your laſt meſſage, and ſhall before the Sealing of the Articles, declare my ſelfe touching the prizes of the Corne, and Cattle, and alſoe

touching the Fourth sheafe of *Tully &c.* And I conceive it fit that this day be understood to be the day of the Conclusion of this Treaty. And that whatsoever shall be done on this day of either side, be held as done within the time of Cessation. *Provided* That noe Act be understood to be a breach of Cessation, untill Publication made of the Articles, and notice given, which are to beare date this day, I doe therefore expect you signifie your consent hereunto, and appoint Some to meet presently, others appointed by me, about drawing up of the Articles.

ORMONDE.

September the *14. 1643.*

WE conceive that the Articles may receive parfection by twelve of the Clock to morrow, and therefore doe agree that the Cessation shall have relation to that houre.

Muskery.	*Lu. Dillon.*	*Nic. Pluncket*
Rich. Barnewell	*Robert Talbott.*	*Torlogh ô Neile*
Geoffrey Browne.	*Ever Magennis*	*John Walsh.*

September the *14. 1643.*

WHereas it will be expedient for the preserving of the publique Peace of the Kingdome, during the present Cessation that there be Commissioners appointed in every County where the Garrisons are mixt, as well for the ordering of what

what may concerne the Fourth ſheafe, and the walls to be layed out for the ſixt Garriſons as is already agreed as ſuch other differences which may ariſe concerning this, Ceſſation, I doe thinke fit that you doe name ſome of your party in ſuch Counties, or in ſoe many of them as you conveniently can, and upon the returne of their names, I ſhall returne you the names of ſuch who ſhall have power from His Majeſty to joyne with them in as many of ſuch Counties as for the preſent I may, and I do likewiſe thinke fit, that there be ſome agreed upon to whom an appeale may be made by the party grieved, and what cannot be done for the preſent therein, ſhall be hereafter in due time Supplyed.

ORMONDE.

September the 15. 1643.

I Deſire to ſee your Authority, and your draught of your Articles, and I ſhall ſend you mine.

ORMONDE.

September the 15. 1643.

WE ſend your Lordſhip herewith our Commiſſion, and deſire that we may have a coppy of your Lordſhips Commiſſion, and likewiſe a coppy of the Letter whereupon the Commiſſion is grounded, and all other His Majeſties letters concerning this Treaty.

As

As for the Articles; we conceive the ſpeedieſt way will be that ſome be appointed of either ſide for the drawing up of the Articles, according your meſſage ſent laſt night, and to that purpoſe ſome of ours are preſently ready to meet with ſuch as your Lordſhip will appoint.

Muskerj.	*Lu. Dillon.*	*Ni. Pluncket*
R. Barnwell.	*Rob. Talbott*	*Tirl. ô Neile*
Geoffrey Browne.	*Ever Magennis*	*Io. Walsh*

September the 15. 1643.

I Will ſend you a Coppy of His Majeſties Commiſſion, & the Coppy of the letter whereupon it is grounded, and have appointed ſome to meet with ſome of yours to conſider of the Articles.

ORMONDE.

CHARLES *by the grace of God King of* England, Scotland, France, *and* Ireland. *Defendor of the Faith*, &c. *To Our right Truſty, and right entirely beloved Conſen and Councellor*, Iames *Marques of* Ormonde, *greeting. Whereas by Our Letters dated the Three and Twentieth of* Aprill, *and Third of* May *laſt, We have Authorized*

Authorized you the said Marques of Ormonde, *to Treate and conclude with Our Subjects in this Our Kingdome, who have taken Armes against Vs and Our Authority, for a Cessation of Armes for one whole yeare, as by Our said Letters more particularly may appeare. Now know yee, that We reposing speciall trust in your fidelity, wisedome, and circumspection, doe With the advice & consent of Our right trusty & welbeloved Councellors, Sir* Iohn Borlase, *and Sir* Henry Tichborne, *Knights, Our Iustices, and Our Councell, of this Our Kingdome, and according to the tenour of Our Letters, dated at Our Court at* Oxford, *the one and Thirtieth day of* Iuly *last past, hereby Authorize you to Treat and conclude for Vs and in Our name, with Our said Subjects upon a Cessation of Armes for one whole yeare, to begin at such time as you shall thinke fit, And upon such Articles or agreements, as to you in your wisedome shall seeme necessary for Our service, or otherwise to breake of the Treaty as you shall see cause, And We doe by these presents declare that in case a Cessation shall be agreed upon, We will upon the conclusion of the said Treaty, cause our Letters Patents of confirmation under the Seale of this Our Kingdome, to be made in the most effectuall manner, for the further ratifying, confirming, and strengthening of the said Cessation as shall be necessary. In witnesse whereof We have caused this Our Commission to be made. Witnesses Our said Iustices of Our Realme of* Ireland, *at* Dublin *the last day of*

August

Auguſt, *in the Nineteenth yeare of Our Raigne.*

Carleton & Exham.

By the Supreame Councell of the Confederate Catholiques of *Ireland.*

WHereas *His Majeſties moſt faithfull Subjects the Confederate Catholicks of* Ireland, *were enforced to take Armes, for the preſervation of their Religion, for the defence of His Majeſties juſt Prerogatives and Rights, and the maintenance of the Rights and Liberties of their Country, laboured to be deſtroyed by the malignant party. And whereas His Majeſty in His wiſedome, and Princely care of His ſaid Subjects welfare and ſafety, and at their humble ſute that His Majeſty might be graciously pleaſed to heare their Grievances, and vouchſafe redreſſe therein, did direct there ſhould be a Ceſſation of Armes, and thereupon did Authorize the right Honourable, the Lord Marques of* Ormonde, *to Treat of, and Conclude the ſaid Ceſſation, with the ſaid Confederate Catholicks.* Knowe *yee therefore that* [illegible] *ſpecial truſt and confidence, in the wiſedome, circumſpection, provident care, Honour and ſincerity of our very good Lord,* Donnogh *Lord Viſcount* Muskery, *Sir* Lucas Dillon *Knight.* Nicholas Plunckett *Eſquire. Sir* Robert Talbott *Barronet. Sir* Richard Barnewell *Barronet.* Torlogh ô Neile *Eſq.* Geffrey Browne *Eſq.* Ever Magennis *Eſq. and* Iohn Walſh *Eſq. Have conſtituted, ordayned, and appointed, and by theſe preſents doe conſtitute, ordayne, and appoint the ſaid* Donnogh *Lord Viſcount* Muskery, *Sir*

Lucas

Lucas Dillon, *Knight*. Nicholas Plunckett, *Sir* Robert Talbot, *Sir* Ric. Barnewell, Torlogh ô Neile, Geffrey Browne, Ever Magennis, *and* John Walsh, *our Commissioners, And doe by these presents give and grant unto our said Commissioners, or any five or more of them, full power and authority to Treat with the said Lord Marques of* Ormonde, *of a Cessation of Armes for one whole yeare, or shorter, and to conclude the same for the time aforesaid, upon such tearmes, conditions, and Articles, as to our said Commissioners as aforesaid, in their judgements, conscience and discretions shall be thought expedient. By these presents ratifying and confirming whatsoever Act, or Acts, our said Commissioners as aforesaid, shall doe or execute concerning the said Cessation. Given at* Cashell, *the Seaventh day of* September, Anno Dom. 1643.

Hugo Ardmachanus.

Mauricius de Rupe & Farmoy. Tho. Cashill.

Iohannis Clanfertensis. Daniell ô Bryen.

R. Belling. P. Darcy.

Ger. Fennell. Geor. Comyn.

This is a true Coppie of our Commission.

Muskery. *Lu. Dillon.* *Nic. Plunckett.*
R. Barnewell. *Robert Talbott.* *Tirlogh ô Neile*
Geffrey Browne. *John Walsh.*

To the KINGs Most Excellent
MAJESTIE,

May It please your Majesty.

WE in the behalfe of your Majesties most Faithfull Subjects the Catholiques of Ireland, *by whom we are authorized, taking into our Considerations your Majesties Royall intentions towards us, in giving care unto our humble Petition for redresse of our many Grievances, and that your Highnes hath been Gratiously pleased to have a Cessation of Armes concluded in this Kingdome, as an introduction unto a happy Peace, & setlement. And withall taking into our considerations your Majesties vast expence, & many distractions in* England, *accompt not our disabilities as having relation unto our selves soe much, as in that it disableth us from complying with your Majesties occasions in proportion to our affections, & as otherwise might be expected from us, Howsoever with more regard to your Majesties service, then our owne wants, doe with all Cheerfullnes humbly make tender unto your* Majesty, *of* Thirty Thousand Pounds *with this assurance, that upon an establishment of a firme Peace whereby those heavy pressures we now grown under, maybe taken of, & this* Kingdome *put into a better condicion, We will freely expose our Lives, and Fortunes towards the advancement, of your* Majesties *Service, and the maintenance of your Rights, and Prerogatives. Dated at* Sigginstowne, *the* 16. *of* September, 1643.

Muskery. Lucas Dillon. Nic. Plunckett. Rob. Talbott.
Ric. Barnwell, Torlogh o Neile, Geffr. Browne,
Eyer Magennis. Iohn Walsh.

FINIS.

A PROCLAMATION CONCERNING A CESSATION OF ARMES.

Agreed and Concluded on at *Siggingstowne*, in the County of *Kildare*, the fifteenth day of *September*. in the nineteenth yeare of his Majesties Raigne, by and between *Iames* Marques of *Ormonde*, Lieutenant Generall of His Majesties Army, in the Kingdom of *Ireland*, for & in the Name of our Gratious Soveraigne Lord CHARLES, by the grace of God, King of great Brittain, *France* & *Ireland*, &c. by Vertue of his Majesties Commission bearing date at *Dublin* the last of *August*. in the said nineteenth year of His Majesties Raigne, of the one party. And *Donogh* Viscount *Muskery*, Sir *Lucas Dillon*, Knight. *Nicholas Plunkett*, Esquire. Sir *Robert Talbot*, Baronet. Sir *Richard Barnewell*, Baronet. *Torlogh* & *Neale*, *Geffrey Browne*, *Ever Mac-Gennis*, & *Iohn Walsh*, Esquires. Authorized by His Majesties Roman Catholique Subjects, of whose party they are and now in Armes in the said Kingdom, &c. To Treat and Conclude with the said Marques for a Cessation of Armes by Vertue of an Authority given unto them bearing date at *Cashell*, the 7. day of *September*. in the said nineteenth yeare of His Majesties Raigne, of the other party.

Whereunto is added an instrument touching the manner of payment of 30800. pound sterling by severall Payments.

Printed at Dublin, By *William Bladen*, Printer to the Kings most Excellent Majesty, *Anno Dom.* 1643.

A PROCLAMATION CONCERNING A CESSATION OF ARMES.

Agreed and Concluded on at Aggingstowne, in the County of Kildare, the fifteenth day of September, in the nineteenth year of his Majesties Raigne, by and between James Marquez of Ormonde, Lieutenant Generall of His Majesties [illegible] in the Name of our Gracious Soveraigne Lord CHARLES, by the grace of God, King of great Britain, [illegible], &c. by Vertue of his Majesties Commission bearing date at Dublin the last of [illegible], in the said nineteenth year of His Majesties Raigne, of the one party. And Donogh Viscount [illegible] Sir Lucas Dillon, Knight, Nicholas Plunkett, Esquire, [illegible] Baronet, Torlogh [illegible] Esquire, [illegible] Catholique Subjects, of whose party they are and now in Armes in the said Kingdom, &c. To Treat and Conclude with the [illegible] Marques for a Cessation of Armes by Vertue of an Authority given [illegible] bearing date at Castell, the [illegible] in the said nineteenth year of His Majesties Raigne, of the other party.

Whereunto is added an instrument touching the manner of payment of 30000 pound sterling by several Payments.

Printed at Dublin, By William Bladen, Printer to the King's most Excellent Majesty, Anno Dom. 1645.

By the Lords Iuſtices and Councell.

Io. Borlaſe. Hen. Tichborne.

Vpon conſideration had of the anſwered Articles of Ceſſation of Armes, whereby it is concluded and accorded, that there be a Ceſſation of Armes, and of all Acts of Hoſtility for one whole yeare beginning the ſixteenth day of September, Anno Domini, one

thouland six hundred forty three, at the houre of twelve of the clock of the said day, wee the Lords Justices and Councell according to his Majesties Letters of the one and thirtyeth of July last, doe by this Proclamation in his Majesties Name ratifie, confirme, and Publish the same. And doe require all his Majesties Subjects, whom it may concerne by Sea and by Land, to take notice therof and yeeld all Obedience therevnto, in all the parts therof.

Given at his Majesties Castle of DUBLIN, the nineteenth of September. 1643.

R. Bolton. Canc. La. Dublin. Ormonde.

Roscomon. Edw. Brabazon. Ant. Midensis.

Cha. Lambart. Geo. Shurley. Gerrard Lowther.

Tho. Rotherham. Fr. Willoughby.

Tho. Lucas. Ia. Ware.

GOD SAVE THE KING.

Imprinted at Dublin by *William Bladen*, Printer to the Kings most Excellent Majestie. *Anno Dom.* 1643.

ARticles of Ceſſation of Armes, agreed, and concluded on at *Siggingstowne*, in the County of *Kildare*, the 15. day of *September*. in the nineteenth yeare of His Majeſties Raigne, by & between *Iames* Marques of *Ormond*, Lieutenant Generall of his Majeſties Army, in the Kingdome of *Ireland*. for and in the Name of our Gratious Soveraigne Lord CHARLES, by the grace of God, King of great Britraine, *France*, and *Ireland*, &c. by Vertue of His Majeſties Commiſſion bearing date at *Dublin*, the laſt of *Auguſt*. in the ſaid 19. yeare of his Majeſties Raigne, of the one part; And *Donogh* Viſcount *Muskery*, Sir *Lucas Dillon*, Knight. *Nicholas Plunket*, Eſquire. *Sir Robert Talbot*, Baronet. *Sir Richard Barnewell*, Baronet. *Torlogh O Neale*, *Geffrey Brown*, *Ever Mac Gennis*, & *Iohn Walſh*, Eſquires. Authorized by His Majeſties Roman Catholique Subjects, of whoſe party they are, and now in Armes in the ſaid Kingdome, &c. to Treate and Conclude with the ſaid Marques for a Ceſſation of Armes, by Vertue of an Authority given unto them, bearing date at *Caſhell*, the 7. day of *September*. in the ſaid nineteenth yeare of His Majeſties Raigne, of the other part.

Firſt. It is concluded and accorded, that there be a Ceſſation of Armes, and of all Acts of Hoſtility, between His Majeſties ſaid Roman Catholique Subjects, who are now in Armes, &c. in this Kingdome, and their party, and all others His Majeſties good Subjects, for one whole yeare to begin the fifteenth day of *September*. *Anno Dom.* 1643. at the howre of 12. of the clock of the ſaid day.

Item. It is concluded and accorded that free Paſſage, Intercourſe, Commerce, and Traffique, during the ſaid Ceſſation,

ſhall be between His Majeſties ſaid Roman Catholique Subjects, who are now in Armes, &c. and their party, and all others His Majeſties good Subiects, and all others in League with his Majeſty by Sea and Land.

Item. It is concluded and accorded, and the ſaid Viſcount *Muskery*, and the reſt of the above named Perſons, doe promiſe and undertake, for and in the behalfe of thoſe for whom they are Authorized to treat and Conclude as aforeſaid. That all Ships, Barques, and Veſſells, which ſhall bring Proviſions to any Harbour in this Kingdom, in the hands or poſſeſſion of ſuch as ſhall Obey the Articles of this Ceſſation, from *Mitchead* and *Whitehaven*, and from all the Ports betweene, on that ſide where *Wales* is ſcituate, ſo as they be Ships belonging to any of the ſaid Ports, and doe not vſe any Acts of Hoſtility to any of the ſaid Roman Catholiques, who are now in Armes, or to any of their party, or to any who ſhal be waged or Imployed unto or by them, ſhall not be interrupted by any of their party, nor by any Ships or other Veſſells, of what Countrey or Nation ſoever under their Power or Command, or waged, Imployed, or contracted with on their behalfe, or by any Forts, Garriſons, or Forces, within this Kingdome under their Power, in their coming to this Kingdom, or returning from thence.

Item. It is concluded and accorded, and the ſaid Lord Viſcount *Muskery*, and the reſt of the above named partyes doe promiſe and undertake for and in the behalfe of thoſe for whom they are Authorized, as aforeſaid, that all Ships, Barques, and Veſſells, which ſhall bring Proviſions to any Harbour in this Kingdom, in the hands of ſuch as ſhall obey the Articles of this Ceſſation from any Ports in the Kingdom

of *England*, having His Majesties passe, or the passe of any who is, or shall be His Majesties Admirall or Vice-Admirall, or the passe of any Governor or Governors of any the Ports in *England*, in His Majesties Hands, or which shall hereafter during this Cessation, be in his Majesties Hands, or the passe of the said Marques, shall not be interrupted, by any of those for whom the said Lord Viscount *Muskery*, & the rest of the above named Persons are Authorized as aforesaid, neither in their comming to this Kingdom, or in their returne, so as they use not any acts of hostility to any of their said party. And this to be a rule untill His Majesties pleasure be further declared therein, upon application of the Agents of the said Roman Catholique Subjects now in Armes, &c. to His Majestie.

Item. It is concluded and accorded, and the said *Iames* Marques of *Ormonde*, doth promise and undertake for and in the Name of His Majesty, that no interruption shall be given by any Ship, or Ships, under his Majesties power & command, or waged, Imployed, or contracted with, by or in the behalfe of his Majesty or by any of his Majesties Forts, Garrisons, or Forces, within this Kingdome, to any Ship, or Ships, that shall trade with any of the said Roman Catholiques who are now in Armes, &c. or any of their party; or which shall come in, or goe out of any the Cityes, Townes, Harbours, Creeks, or Ports, of this Kingdome, in the hands of the said Roman Catholiques now in Armes, &c. with Armes, Ammunition, Merchandize, Commodity, or any thing whatsoever, during this Cessation: as on the other side, the said *Donnogh* Viscount *Muskery*, and the rest above named of that party, doe promise and undertake, for and in the behalfe of those by whom they are Authorized, that no interruption shall be given by any Ship, or other Vessell whatsoever, under the

the power & Command of their party, or waged, Imployed, or contracted with, by or in the behalfe of their party, or by any Forts, Garrisons, or Forces, within this Kingdome, in their power, to any Ship, or Ships, that shall trade with any of His Majesties Subjects, obeying this Cessation, or which shall come in, or go out of any of the Cityes, Towns Harbours or Ports of this Kingdome, which shall obey this Cessation, with Armes, Amunition, Merchandize, Commodity, or any other thing whatsoever during this Cessation. Provided that no Ship, or Ships, shal be admitted free Trade, by colour of this Article, but such as are warranted by the precedent Articles.

Item. It is Concludedand accorded, that the quarters in the Province of *Leinster* be as followeth. *viz.* That the County of *Dublin*, the County of the City of *Dublin*, the County of the Towne of *Droghedagh*, and the County of *Lowth*, shall remaine and be during the Cessation, in the possession of his Majesties Protestant Subjects, and of such as adhære vnto them respectiuely, saving and excepting vnto the said Roman Catholique Subjects, now in Armes &c. and their party, all such Castles, Townes, Lands, Territories, and the Lands and hereditaments thereunto belonging, which upon the said fifteenth day of *September*, 1643. at the houre aforesaid are possessed in the said Counties, or any of them, by any of the said party And it is further concluded & accorded that as much of the County of *Meath*, as in the East and South side of the river of *Boyne*, from *Droghedagh* to *Trym*, & thence to the Lordship of *Moylagh*, and thence to *Morglare*, and thence to *Dublin*, shall during the said Cessation remaine and be in the possession of His Majesties Protestant Subjects, & of such as adhære vnto them respectively

respectively, saving and excepting to the said Roman Catholique Subjects now in Armes, & their party, all such Castles, Townes, Lands, & Territories, & the Lands hereditaments therunto belonging, which vpon the said fifteenth day of *September*. 1643. at the houre aforesaid are possessed by any of the said Roman Catholique Subjects, now in Armes, &c. and of their party, within the said limits, & boundaries, and that the Residue of the said County of *Meath* shal remaine in the hands & possession of the said Roman Catholique Subjects now in Armes, &c. and their party, except the Castles, Townes, Lands, Territories, & the Lands and hereditaments thereunto belonging, which upon the said fifteenth day of *September*, 1643. at the howre aforesaid are possessed within the said last mentioned quarters in the County of *Meath* by His Majesties Protestant Subjects, and such as adhære vnto them, or by any of them respectively. And that soe much of the County of *Kildare*, as is on this side of the *Liffy* where *Naas* is scituate, and on the other side of the *Liffy* from *Dublin* westward into the County of *Kildare*, soe far as the *Rye* water at *Kilcock*, and soe farre betwixt that and the *Liffye*, as shalbe at the same distance from *Dublin* as the said *Rye* water is at *Kilcock*, on that side of the *Lyffie*; shall during the said Cessation, remaine and be in the hands and possessions of his Majesties Protestant Subjects and their adhærents respectively, except such Castles, Townes, Territories, & the Lands & hereditaments therunto belonging, which upon the said fifteenth day of *September*, 1643. at the howre aforesaid are possessed within the said quarters by the said Roman Catholique Subjects who are now in Armes, &c. and their party; & that the residue of the said County of *Kildare*, shall remain in the

hands of the said Roman Catholique Subjects now in Armes &c. and their partie, except Such Castles, Townes, Lands Territories, and the Lands and Hereditaments therunto belonging, which upon the said fifteenth day of *September* 1643 at the houre aforesaid are possessed by his Majesties Protestant Subjects and their adhærents respectively within the said last mentioned quarters in the said County of *Kildare*. And that the seuerall Countyes of *Wicklow*, west *Meath Kings County*, *Queens County*, *Catherlagh*, *Kilkenny*, county of the City of *Kilkenny*, *Weixford*, and *Longford* shall during the said Cessation remaine in the hands of the said Roman Catholique Subjects now in Armes &c. and their party, except such Castles, Towns, Lands, Territories, and the Lands and hereditaments therunto belonging which upon the said fifteenth day of *September*, 1643. at the houre aforesaid, are possessed within the said County, by His Majesties Protestant Subjects, and their adhærents respectiuely.

Item. It is concluded and accorded, that what *Corne*, hath been sowen by any of his Majesties Army, or by any of his protestants Subjects, or their adhærents or by any of them, within any of the quarters alotted in the Province of *Leinster*, to the said other party, the same shal be enjoyed by the sowers & manurers paying for the same as they did agree & in case they did not agree paying the fourth sheafe vnto such garrison within whose quarters the same shal fall. And that in case any of the said Roman Catholique Subjects, now in Armes, &c. or any of their party have sowne corne within any the quarters alotted in the *Province* of *Leinster*, to the said other party, the same shall be enjoyed by the sowers and manurers, paying for the same as they did agree, and in case they did not agree paying the forth sheafe unto such Garrisons, within whose

whoſe quarters the ſame ſhall fall. And it is likewiſe concluded and accorded, that thoſe places which have been protected, by the Lords Iuſtices, or any Officer of His Majeſties Army, doe pay according to the agreement which was made, and if no agreement were made, to pay the fourth Sheafe, to thoſe Garriſons or perſons who protected them, in whoſe ſoever quarters they are, And this to continue for a rule, other then as to ſo many of thoſe Garriſons, who granted ſuch protection, and are ſince regained by the ſaid party, or ſome of them, for whom the ſaid *Donnogh* Viſcount *Muskery*, and the perſons above named are Authorized as aforeſaid. And that the Tenants of the Towne of *Balliboght* in the County of *Dublin* if they haue not been protected ſhall pay according to agreement & if no agreement made then the fourth ſheafe, and to continue their poſſeſſions during this Ceſſation. And it is further concluded aud accorded, that where His Majeſty, or any of His Proteſtant Subjects, or their adhærents ſhall happen to have any Garriſon or Garriſons within the quarters ſet forth in the next precedent article, for the ſaid other party, that ſuch Gariſon & Garriſons, ſhal have ſuch competency of the lands, aſwel profitable as unprofitable, now tearmed waſt, as ſhall be found neceſſary for them by any indifferent Commiſſioners, to be appointed for that purpoſe.

Item. It is concluded and accorded, that the quarters in the Province of *Munſter* be as followeth, *viz.* That the County of the Citty of *Corcke*, and ſo much of the County of *Corcke*, as is within the ſubſequent Garriſons, *viz.* From *Youghall* to *Mogeely*, thence to *Formoye*, thence to *Michellstowne*, thence to *Liſcarroll*, and ſo in a line from *Michellstowne*, and *Liſcarroll* northward, as farre as His Majeſties out Gatriſons

on that ſide doe extend, and from *Liſcarroll*, to *Mallow* thence to *Corcke*, thence to *Carrig-Croghan*, thence to *Rochfordstowne*, thence to *Bandonbridge*, thence to *Timmoleagie*, and thence forward to the Sea, together with the ſaid Garriſons ſhall during the ſaid Ceſſation remaine, & be in the poſſeſſion of his Majeſties Proteſtant Subjects & of ſuch as adhære vnto them: Saving and excepting to the ſaid Roman Catholique Subjects now in Armes &c. and their party all ſuch Caſtles, Townes, Lands, Territories, and the Lands and hereditaments thereunto belonging, which on the ſaid fifteenth day of *September*. 1643. at the houre aforeſaid are poſſeſſed in the ſaid Countyes, or any of them by any of the ſaid Roman Catholique Subjects now in Armes, &c. and their party. And that the reſidue of the ſaid County of *Corcke*, ſhall likewiſe remaine to the ſaid party laſt named, ſaving and excepting to His Majeſties Proteſtant Subjects, & their adhærents all ſuch Caſtles, Townes, Lands, Territoryes, and the Lands, and hereditaments ther unto belonging, which on the ſaid fifteenth day of *September*, 1643, at the houre aforeſaid, are poſſeſſed in the laſt mentioned quarters by them, or any of them. And that the County of *Tipperary*, the County of *Limerick*, the County of the City of *Limericke*, the County of *Kerry*, the County of *Waterford*, the County of the City of *Waterford*, and the County of *Clare*, ſhall during the ſaid Ceſſation remaine and be in the poſſeſſion of the ſaid Roman Catholique Subjects now in Armes, &c. and their party. Except *Knockmorne*, *Ardmore*, *Piltowne*, *Cappoquin*, *Ballinetra*, *Stroncally*, *Lismore*, *Ballidaffe*, *Lisfinny*, and *Tallowe*, all ſcituate in the County of *Waterford*, or as many of them as are poſſeſſed by His Majeſties Proteſtant Subjects, and their adhærents, the

the ſaid fifteenth day of *September*, 1643. at the houre aforeſaid, and likewiſe except all ſuch Caſtles, Townes, Lands, Territories, and Hereditaments therunto belonging as within the ſaid Countyes reſpectively, on the ſaid fifteenth day of *September*. 1643. at the houre aforeſaid are poſſeſſed by any of His Majeſties Proteſtant Subjects, or ſuch as adhære unto that party reſpectively, in the ſaid County of *Waterford*, and the reſt of the laſt mentioned Countyes. And it is concluded and accorded, that the like rule for Corne ſowen, and what ſhall be payed by places protected, and for the laying out waſts for the reſpectiue Garriſons, ſhalbe obſerved in the Province of *Munſter*, as it is ſet downe for *Leinſter*.

Item. It is concluded and accorded that the quarters in the Prouince of *Vlſter*, be as follweth: viz. That ſuch Countyes, Baronyes, Lands, Tenements, and hereditaments in the Province of *Vlſter*, which the ſaid fifteenth of *September*, 1643. at the houre aforeſaid, are poſſeſſed by any of his Majeſties Proteſtant Subjects, or any that adhære vnto them, and all Places protected by any Commander during Authority from his Majeſty, ſhall during the ſaid Ceſſation remaine entirely in the hands and in the poſſeſſion of his Majeſties Proteſtant Subjects, and ſuch as adhære unto them, excepting ſuch Caſtles, Lands, and hereditaments, as on the fifteenth day of *September*, 1643. at the houre aforeſaid, are poſſeſſed by the ſaid Roman Catholique Subjects now in Armes, &c. or their partie. And that all ſuch Counties, Baronyes, Lands, tenements, and hereditaments, in the ſaid Province, which on the ſaid fifteenth of *September*, 1643. at the houre aforeſaid, are poſſeſſed by the ſaid Roman Catholique Subjects now in Armes, &c. and their party ſhall remaine entirely during

 this

this Ceſſation in the hands and Poſſeſſion of the ſaid Roman Catholique Subjects now in Armes &c. and their party ſaving and excepting therout all places protected by any Commander, deriving Authority from his Majeſty, and likewiſe excepting therout all ſuch Territories, Caſtles, Towns, Lands, Tenements, and hereditaments, which on the ſaid fifteenth day of *Septemper*, 1643. at the houre aforeſaid are poſſeſſed by any of his Majeſties Proteſtant Subjects, or ſuch as adhære vnto them. And it is concluded and accorded that the like rule for Corne ſowne, and what ſhal be payed for protected places; and for the laying downe of waſts for the reſpective Gariſons, ſhall be obſerved in the Province of *Vlſter*, as is ſet downe for *Leinſter*.

Item. It is Concluded & accorded, that the quarters in the Province of *Connaght*, be as followeth, viz. that the County of *Galway*, the County of the Towne of *Galway*, the Counties of *Mayo*, *Roſcomon*, *Sligo*, and *Letrym*, in the Province of *Connaght*, and all ſuch Caſtles, Lands, Tenements and hereditaments in the ſaid Province which the ſaid fifteenth day of *September*, 1643. at the houre aforeſaid are poſſeſſed by the ſaid Roman Catholique Subjects, now in Armes &c. & their party, ſhall during the ſaid Ceſſation remaine entirely in the poſſeſſion of the ſaid Roman Catholique Subjectes, now in Armes and ther party, excepting all ſuch Territories, Caſtles, Lands, Tenements and hereditaments within the ſaid ſeveral Countyes which upon the ſaid fifteenth of *September*, 1643. at the houre aforeſaid are poſſeſſed by any of his Majeſties Forces, or by their party, or by any of them, and that thoſe who after taking protection of any of His Majeſties Forces, or any of that party or from any Governors, deriving

riving Authority from his Majeſty there, haue Ioyned themſelves to the ſaid Roman Catholique Subiects now in Armes, &c. and their party, ſhall pay nō Contribution unto ſuch who protected them. But in regard there may be a rule different touching perſons that may be ſaid to doe this, and conſequenly touching the Contributions payable by them. Is is concluded and accorded that ſuch diſputes and queſtions if any ſhall ariſe, be determined by Commiſſioners indifferently choſen on each ſide, and it is concluded and accorded, that the like rule for ſowers and manurers of corne within the quarters of each other, ſhall be obſerved in the Province of *Connaght*, as is ſet down for *Leinſter*.

Item It is Concluded and accorded, and the ſaid Marques of *Ormond*, for and in the Name of his Majeſty doth promiſe and undertake, that no interruption ſhall be given unto any of the ſaid Roman Catholique Subjects now in Armes, &c. or their party, in any of the ſaid Countyes, quarters, or places by the ſaid precedent Articles vnto them or any of them limited as aforeſaid, during this Ceſſation; like as the ſaid *Donnogh* Viſcount *Muskery*, and the reſt of the aboue named perſons who are authorized as aforeſaid do promiſe and undertake, that no Interruption ſhall be giuen vnto any of His Majeſties Forces, Proteſtant Subjects, or ſuch as adhære unto them, within any of the ſaid Countyes, quarters or places, by the precedent Articles limited vnto them as aforeſaid, during the ſaid Ceſſation.

Item. It is Concluded and accorded, that no Officer of the Army or Souldier of either ſide, ſhall be admitted without licence from the Commander in cheife of the Army on both ſides, or of the Commander of the next Cheife gariſons reſpectively

respectiuely to passe or repaire into any Garrison on either side, saue that it be lawfull for either party to furnish any Garrison in their power during the Cessation, with Victualls, Cloath, amunition or other necessaryes by licence as aforesaid, which is not to be denyed upon demand.

Item. It is concluded and accorded, that if any Army or Forces in this Kingdome raised by his Majesties authority or any part therof, or any other his Majesties Subjects shall not yeild obedience to the Articles of this Cessation, but shall publiquely stand in opposition therunto; that the said Roman Catholique Subjects now in Armes &c. and their party may persecute such: and the said *Iames* Marques of *Ormonde* doth promise and undertake that such who shall so stand in opposition, shall not be assisted, protected, or befended against the said Roman Catholique Subjects now in Armes &c. or their party, by his Majesty or any of his Forces. And yet neuertheless the same shall not be understood to be any breach of Cessation, as to other parts of the Kingdome, which shall conforme and yeild therunto. And wheras the assistance of his Majesties Forces is desired by the said Roman Catholique Subjects now in Armes &c. against such as shall oppose the Articles of this Cessation and will not yeild obedience therunto, or interrupt the trade and Traffique, albeit that it is not to be supposed that there will be any such the said *Iames* Marques of *Ormonde*. doth further promise aud undertake, that their said request shal be made knowne to his Majesty, and vpon signification of his pleasure the same shall be obeyed.

Item. It is concluded and accorded, that if in otheir cases it be pretended on either side that the Cessation is violated,

that

that yet no act of Hostility is immediately to follow, but first the party complayning is to acquaint the Lord Generall, Lieutenant Generall, or other cheife Commander of either side in that Province, in which the said Cessation is pretended to be violated therwith, and to allow fourteene dayes after notice giuen, for reparation or satisfaction, and in case reparation or satisfaction be not given or tendred, then fourteene dayes notice to be given before Hostility begin.

Item. It is Concluded and accorded, that all Prisoners and hostages of both sides in all parts of the Kingdome, excepting such of them as are indicted of any Capitall offence, shal be mutually released and set at liberty within seaven dayes after publication of the said Cessation. And the said Marques of *Ormonde*, doth further promise and Vndertake; that such Prisoners who incdited of any Capital offence, shall be set at liberty vpon Baile, vntill His Majesties further Pleasure be knowne therin. Provided neuertheless that if any party of His Majesties Army in any other Province of the Kingdome, shall not within ten dayes after Publication of these Articles, yeild obedience thereunto; that the same shal be no breach of Cessation, but that His Majesty be first made acquainted with such Disobedience, and his direction expected therin: & that al other persons that do reside with either party, and all Women and Children shall be permitted within seaven dayes after publishing of this Cessation, or when they please, with their goods & Chattles, to depart to what place they please, with a safe conduct or convoy if they desire it.

Item. It is Concluded and accorded, that the said Ro-

man Catholique Subjects, now in Armes, &c. and their party, may at any time during the Ceſſation ſend ſuch Agents to His Majeſty as they ſhall thinke fit: And that the ſaid Agents ſhall have ſafe conduct in writing from the Cheife Governor or Governors of this Kingdome for the time being upon demand.

Item. It is Concluded and accorded, and the ſaid Marques of *Ormonde*, doth promiſe and undertake for and in the Name of His Majeſty, that all and every of the precedent Articles, which have been agreed unto, and undertaken by the ſaid Marqnes, for and in the behalfe of His Majeſty, ſhall be faithfully, truly, and inviolably obſerved, fulfilled, and kept. And the ſaid Viſcount *Muskery*, Sir *Lucas Dillon*, Knight. *Nicholas Plunket*, Eſquire. Sir *Robert Talbot*, Baronet. Sir *Richard Barnewell*, *Torlogh ô Neale*, *Ever Mac Gennis*, *Geffry Browne*, and *Iohn Walſh*, Eſquires. For and in the behalfe of the ſaid Roman Catholique Subjects, now in Armes, &c. and their party doe promiſe and undertake, that all and every of the precedent Articles, which have agreed unto and undertaken by them, for and in the behalfe of their party, ſhall be faithfully, truly, and inviolably obſerved, fulfilled, and kept.

Laſtly. It is Concluded and accorded, that all poſſeſſions, and likewiſe all goods and chattles, that ſhall be found *in Specie*, taken by either party, after the houre of twelue aforeſaid, and before publication of this Ceſſation, ſhall be reſtored to the Owners, and after publication all poſſeſſion and goods that ſhal be taken, to be reſtored to the Owners upon demand, or dammages for the ſame.

In witneſſe wherof the ſaid Marques to the party of the ſaid Articles remaining with the ſaid Viſcount *Muskery*, and the

reſt

reſt of the above named perſons, hath put his hand and Seale. And the ſaid Viſcount *Muskery*, Sir *Lucas Dillon*, Knight. *Nicholas Plunket*, Eſquire. Sir *Robert Talbot*, Barronet. Sir *Richard Barnewell*, Baronet. *Torlogh ô Neale*, *Geffry Browne*, *Ever Mac-Gennis*, and *Iohn Walſh*, Eſquires. To that part of the Articles remaining with the ſaid Marques *Ormonde*, have put their hands and Seales, the day and yeare, firſt above written.

Muskry. *Lucas Dillon.* *Nic. Plunket.* *Rob. Talbot.*

Rich. Barnewell. *Torl. ô Neale.* *Geffry Browne.*

Ever Magennis. *Io. Walſh.*

An inſtrument touching the manner of payment of 30800. pound ſterling by ſeverall Payments.

WHeras by an Inſtrument bearing date with theſe preſents, we have in the behalfe, and by Authority from the Roman Catholiques of this Kingdome, freely given unto His Majeſty the ſum of thirty thouſand pounds ſterling, wherein the times or manner of payments, are not expreſſed. We doe therfore hereby agree, that the ſame ſhall be paid in manner following, *viz.* 5000. pounds with in one month next after the date of theſe preſents, the one halfe in money, and the other halfe in good and Merchantable Beeves, not under foure, or above ten years old, at the rate of 30. pounds

the ſcore, at the City of *Dublin*, 5000. pounds more: within one month, next after the ſaid firſt month, the one halfe in money and the other halfe in Beeves as aforeſaid, at the like rates at the City of *Dublin*, aforeſaid, alſo within two months next after, five thouſand pounds more, whereof one halfe in Beeves, as aforeſaid, at the like Rates, and the other halfe in money, One other five thouſand Pounds, at or before the laſt of *February* next, and the ſum of 10000. pounds being the laſt payment of the ſaid Thirty thouſand pounds, at or before the laſt day of *May* next, which ſhall be in the yeare 1644. And We hereby further agree that Eight 100. pounds more ſhal be paid to his Majeſties Uſe, to whom the Lords Iuſtices ſhall appoint at the Garriſon of *Naas*, within two months next enſuing, the one halfe by one months end next after the date hereof, and the other halfe by the end of one month more, next after that firſt month, all other payments in money, ſave the Eight hundred pounds ſhall be paid at *Dublin*, and the reſt of the Beeves, ſave the ſaid firſt two payments, to be paid within the ſeverall Provinces to His Majeſties uſe, to ſuch perſons as ſhal be appointed by His Majeſties Lords Iuſtices, or other Cheife Governor or Governors in this Kingdome, they firſt giving notice to Us, or any one or more of Us, of their pleaſures therin. *In Witneſſe* wherof, We have hereunto put our Hands and Seales the ſixteenth day of *September*, 1643.

Muskery. *Lucas Dillon.* *Nic. Plunket.* *Rob. Talbot.*

R. Barnewell. *Ter. Neale.* *Geffry Browne.*

Ever Magennis. *Jo. Walſh.*

FINIS.

The Artickells of
Cessation

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SIXTEENE QVÆRIES,

Propounded by the Parliament of *Ireland*, to the Judges of the said Kingdome.

36(3)

I.

THat the Judges may set forth and declare, whether the Inhabitants of this kingdome be a free people, or whether they be to bee governed onely by the antient common lawes of England.

II.

Whether the Judges of the Land doe take the Oath of Judges, and if so, whether under pretext of any Acts of State, Proclamation, Writ, Letter, or direction under the great or privie Seale, or privie Signet, or Letter, or other commandement from the Lord Lieutenant, Lord Depurie, Justice, Justices, or other chiefe Governor, or Governors of this Kingdome

dome they may hinder, ſtay or delay the ſuite of any Subject, or his judgment, or execution thereupon, if ſo, in what caſes, and whether, if they doe hinder, ſtay or delay ſuch ſuite, judgement or execution, what puniſhment doe they incurre by the Law for their deviation and tranſgreſſion therein.

III.

Whether the Kings Majeſties privie Counſell, either together, or with the chiefe Governor or Governors of this Kingdome, without him or them be a place of Judicature, by the common Lawes, where in caſe betweene party and party for Debts, Treſpaſſes, Accounts, Covenants, poſſeſſions, and title of Land, or any of them, and with them may be heard, and determined, and of what civill Cauſes they have juriſdiction, and by what Law, and of what force is their order or Decree, in ſuch caſes or any of them.

IV.

The like of the chiefe Governors alone.

V.

Whether Grant of Monopolies be warrantable by the Law, and of what, and in what Caſes, and how, and where, and by whom, are the Tranſgreſſors againſt ſuch Grantees puniſhable

able,and whether by Fine and mutilation of Members,imprisonment, losse, and forfeiture of goods,or otherwise, and which of them.

VI.

In what Cases the Lord Deputie, or other chiefe Governors of this Kingdome & Counsell,may punish by Fine, imprisonment, Mutilation of Members, Pillory , or otherwise, they may sentence any to such the same,or the like punishment, for infringening the commands of any Proclamation, or Monopolie, and what punishment doe they incurre,that do vote for the same.

VII.

Of what force is an Act of state or Proclamation in this Kingdome to bind the liberty, goods,possessions,or inheritance of the natives thereof, whether they or any of them can alter the common Law, or the infringers of them lose their Goods,Chattels, or Leases,or forfeit the same by infringing any such Act of State or Proclamation,or both, and what punishment doe the sworne *Judges* of the Law, that are privie Counsellors, incurre that vote for such Act and execution of it.

VIII.

Whether the ſubjects of this Kingdome be ſubject to the Marſhall Law, and whether any man in time of peace, no enemy being in the fields, with displayed can be ſentēced to Death, if ſo, by whom, and in what caſes, if not, what puniſhment do they incurre that in time of peace, execute Marſhall Law.

IX.

Whether voluntary Oathes taken freely before *Arbitrators*, or others for affirmance, or diſaffirmance of any thing, or for the true performance of any thing, be puniſhable in the *Caſtle-Chamber*, or in any other *Court*, and why and wherefore.

X.

Why, and by what Law, and upon what Rule of policie is it, that none is admitted to reducement in the Caſtle-chamber, untill hee confeſſe the offence for which hee is cenſured, when as *Revera* he might be innocent therof, though ſubordined *proofes or circumſtances*, might induce him to be cenſured.

XI.

Whether the Judges of the Kings Bench, and by what law, doe or can deny, the copies of Indictments, of Fellony, or Treaſon to the par-

ties

ties accuſed of Treaſon, contrary to the ſtatute of 42. *Edw.* 3.

XII.

Whether the ſtatute of *Baltinglaſe* take from the Subjects, out-lawed for Treaſon, *though erroniouſly*, the benefit of his *Writ of Error*, and how, and by what meanes, that blind clauſe not *warranted*, by the body of that Act came to be inſerted, and by what Law is it countenanced to the diminution of the liberty of the ſubject.

XIII.

What power have the *Barons* and the Court of *Exchequer*, to raiſe the reſpite of homage *Arbitrarily* to what value they pleaſe, and to what value they may raiſe it, and by what Law they may diſtinguiſh betweene reſpite of homage, upon the diverſities of the true value of the Fees, when as all Eſcuage is the ſame for great and ſmall Fees, and the apportionable by *Parliament*.

XIIII.

Whether it's cenſurable in the ſubjects of this Kingdome, to repaire into *England* to appeale to his Majeſty for *Redreſſe* of *Injuries*, or for others their *accuſers*, if ſo, why, and in what condition of *perſons*, and by what Law.

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XV.

Whether *Deanes* and other *Dignitaries* of *Cathedrall Churches*, be properly *de mero jure donative*, by this King, or not *elective or collative*, if ſo, why, and by what Law, and whether the confirmation of a Deane *de facto* of the Biſhops Grantee be good, and valid in the Law, or no, if not, by what Law.

XVI.

Whether the iſſuing of *Quo warranto's* againſt *Burroughes*, that antiently, and recently ſent Burgeſſes to the Parliament, to ſhew cauſe why they ſent Burgeſſes to the Parliament be legall.

CAPTAIN

CAPTAINE

AVDLEY

MERVINS SPEECH to the Houſe of Commons in *Ireland*.

Mr *Speaker*,

IT was equall care and policy in our Predeceſſours. Firſt to lay a foundation, and then by a continued induſtry to build and perfect ſo glorious a fabrique as the houſe of Cōmons lawfull ſummoned by the Kings writ repreſents it ſelfe unto us at this day. In which ſo elaborate and exquiſite a ſtructure being finiſhed and crowned with thoſe fruitfull and peace-ſpeaking events, may challenge by right the title of a *Jubile*.

To ſo great a modell with neate and provident husbandry they intend no leſſe then ſutable furniture (which allowed pride) diſdaine to cloath it with any other, but with what by his Majeſties favour they had procured out of his owne ſtore; I meane thoſe great and large priviledges, which by ſeverall acts of royall favor have bin diſpenſed, annexed, nay hypoſtatically united, to the ſame Priviledges are the ſoule, by which we move the Sinues and Neues, by which we are compacted, they are thē, by which we breath. Priviledges for their birth allyed to the Kings Prerogative, for their antiquity ſacred, for their ſtrength ſo re-intrenched by cōmon law, fortified by ſtatutes, inſconſed by precedents of all times, that no man ever attempted their violation with impunity, ſo that now and then it may be truly ſaid, The Kings houſe is all glorious within. *If we which are Heires to their lawes, as unto their lands, will ſtrive to make no addition to the richi-ventarie of thoſe priviledges they have bequeathed unto us, yet with united ſpirits, let us all leaſt prevent the dilapidation, nay the diminution of the leaſt of them.*

This preſent occaſion of debating Mr. *Fitz-Gerralds* petition exhibited to this honorable houſe, ſets before us bleſſings and curſings, and is the firſt leafe (as we may terme it) of the houſe of commons Almanack, not made to

ſerve

ſerve for one, but for many yeares, and calculated to ſerve indifferently for all latitudes, in which, our carriage makes this and all ſucceeding dayes but ſevill and working dayes, or otherwiſe imprints this day and our priviledges in a conſpicuous, plauſive rubrique to poſterity; whileſt the Palladium was in *Troy*, neither the power nor the long ſiege of the *Grecians*, could prevaile againſt it, whileſt *Minoes* purple lockes curled from their native roots, *Creete* was unvanquiſhed. The Morall of theſe (*affiſtions*) emphatically preach and teach us this *Doctrine*, that the ſafety, pregnancy, glory, and ſtrength of this houſe, is but only ſent us upon this condition, whileſt we keepe, preſerve, and defend our liberties, our rights, our priviledges unbetrayed, unſuppreſſed, and uncontrolled: if any more allyed to the corruptiõs of our own diſtempers, then challenging an intereſt in us by a legitimate birth, could involve this grave and great aſſembly, in ſuch epidemicall liturgie, as directly to ſnore, *or at leſt to wink whileſt our priviledges cloathed in a purple robe of glory (like a word never to be recalled) eſcape from among us, I ſay if ingratefull, I ſhould cut off the inheritance of theſe immunities entailed upon us, and confirmed as a monument all portion upon this younger brother of ſtate, this Houſe of Cõmons what can we expect, but that our Fathers Ghoſts apparelled with indignation*, ſhould appear unto

 us with

us with this or the liking branding phraſe. Moſt vngrateſull and vnfortunate poſterity! *O ætas parentum pejor Avis*; better had it bin for you not to live then to out-live your owne infamie. If there had beene a neceſſity, you ſhould involve your ſelves in a general-guilt, the election ought to have beene of ſuch a one as might have dyed with your ſelves; but this like originall ſinne, binds your poſterity to ſigh for a redemption. Did we bequeath unto you thoſe faire ornaments to be ſtolne or ſnatched from you? Oh, where, where was your vigilancy and boldneſſe to preſent ſo diſaſterous and fatall a conſequence. Did wee with no better ſucceſſe of imitation by your labour, and even unto hoarſeneſſe contend in the Parliament held 39. *Hen.* 6. as Prophecying your weakeneſſe, leave you a record to build upon? Where we admitted and priviledged one *Walter Clarke* a Burgeſſe of *Chepengham*, though at that time in execution *ad ſect. Reg.* Did we for this purpoſe recommend unto you *Ferrars* caſe and our proceedings againſt the diſturbers of his right? Did wee for this purpoſe recommend unto you *Belgraves* caſe 43. of the Queene. *Who notwithſtanding he procured his election in Winchester by colluſion*, yet *Mangre* the great oppoſition raiſed by the Earle of *Huntington* upon the ſight of the Sheriffes return (a ſuffi-

ſufficient amerment to ſatisfie vs) we admitted and confirmed him in the protection of our houſe, did we for this purpoſe exemplifie unto you the caſe of *Richard Chidder*, 5. *Henry* 4. who being arreſted in his journey towards the Parliaments (where note that the date of the election is the date of the priviledge.) They are twins of one birth, wee ingraft him as a twig to be writh'd by our common roote, and quickly lopt off that ſo perilous authority wch would prunne our branches. Nay Mr. *Speaker*, our fellowes labouring Parliament in *England*, with their hearty cõmendation have tranſmitted unto us a precedent from each houſe. The houſe of the Lords opening the gates of the Tower to prepare an entry to the cenſured Biſhop of *Lincolne*, and the houſe of Commons with like imitation & like ſucceſſe having performed the ſame in Sir *Iohn Elliot* and innumerable others. But now I will endeavour to allay the diſtempered ſpirits of our Fathers, whileſt with more patience and duty we attend the modeſt corrections of our indulgent King. And ſo *exeunt patres*, and *Intr. H.* 8. in his owne perſon commending the reſolution and zeale of the houſe of Commons in preſerving the luſtre of their owne Priviledges from being Eclipſed, alledging himſelfe to be intereſſed in them, ſince that hee and they, knit together, com-

pleated one body, who in this our deſerved calamities, would not rather imitate us by ſcoſs, then qualifie our untimely repentance by abſence of our owne murdering wrongs. What may not *E.4.* exprobrate unto us, who in the 3. yeare of his raigne, records his regall pleaſure to poſterity? That all Acts, Suites, judgments, cenſures *& qui dicit omne excludit nullum*, awarded againſt any Member of Parliament, ſhould be utterly void and fruſtrate, crowning the Act with an Emphaticall epiphonema, and this act to endure for ever. And ſurely common reaſon is pregnant in the juſtification thereof. That where the publique ſervice and good is primarily intended, a ſuperſedeas muſt iſſue to private reſpects, ſince they cannot ſtãd in competition, & inhabit our ſpheare. If their judgments are not yet calmed and ſetled, behold his Majeſty, that now is, cloathed in his royall Robes, and thus ſpeaking unto you from underneath his ſtate. Gentlemen, why ſtagger you thus, that are your ſelves the pillars of the commonweale, you are not upon breaking the Ice, nor bound upon the diſcovery of the unknowne world, each leafe reports your precedents that are like Maps that ſecure and expedite your fortunate Navigation. From mee you can expect no more ſatisfactiõ, then what I have declared in the 3. yeare of my Raigne, in anſwer to the Petition of Right in Parliament

liament, that J am interested in the maintaining of the Priviledges of this House, being a maine pillar of the liberty of my Subject, the goods of one being seised in my name, and for my use, for denying Tonnage and pondage, they re-assumed, hee being at the time of that seisure a Member of the House, and whether J distasted, sure J am, J had no redresse. As for the tender care of my interest in the Fine of 10000 l. and that you admitted my Attorny generall to a favourable hearing in my behalfe, though against your selves (a Parliamentary custome not to be written in small Print) I thanke you Gentlemen, yet I thinke you know, as well as I, that these great sounding Fines to me, have in their effects, but short and little accounts, if there be 3. bags, the little one is mine: The 5000 l. dammages to the party (a summe equall, or more to the defendants estate) is as much as *Magna Charta*, by those words of *salvo contenemento*, would warrant: Therefore my Judges, by dividing it, might have considered me somewhat, whereas now the old proverbe binds me, where there is nothing left, the King loses his right.

Now Mr. *Speaker*, in a Parliamentary way, wee must withdraw and enter into our owne Spheare. Enter into a discusse of those objections, that impugne Mr. *Fitz-Gerralds* election, admittance and priviledge of this House.

The first that ushers in the traine, is a sentence cloathed in sable, standing on tip-toe, and with a rustie dagger thrusting at a starre, I meane a sentence speaking error, a sentence visiting the third and fourth generation, a sentence striving to leap over the bounds of *magna charta*, thirty times confirmed, a sentence awarded against a *Judge* of a higher Court, then from which it issued. The cause in question is to nullifie this sentence, which if hee appeare a person capable of his priviledge, *mote sua vivit*, and then neither it, nor any thing derivatory, or collater all to it, may bee admitted against him by the rules of common, civill, or cannon Law, it being a maxime consonant to them all. *Non potes adduci ejusdam rei excepio cujus petitur dissolutio*. Now to prove this sentence void (Mr. *Speaker*) I being no professour of the Law, yet a Disciple of reason, and the body of the audient Subject to the like guilt,

guilt: I will couch my ſelfe in argumẽts, *quæ probat & non probantur*, leaving precedents and Booke-caſes to the learned long Robe: Then thus I argue. By the Stat. 3. *E.* 4. All judgemẽts, ceuſures, ſentences, &c. awarded againſt a member of Parliament are void, ſo was this government: ſome may ſay, the King is not here included, I ſay (*qui dicit omne, excludit nullum*) And experience, the mother of knowledge, teacheth the ſame in precedents afore rehearſed, and one I will adde for all, which is *Trewman*, 38. *Hen.* 8. who was in execution upon a writ of exigent after *a Capias ad ſatis faciend.* at the Kings ſuite, and yet priviledged, beſides, this is not at the Kings ſuite, for the King is intereſſed here but ſecondarily both in name and profit. Now I muſt make good my minor, that he is a member of this houſe: hee that was duly elected and truely returned, is a member of this houſe, ſo was he. *Ergo, &c.* My minor will be queſtioned, I confirme it thus, where the Kings writ for election is duely purſued, according to the moſt vſed and received forme, there ſuch an election is good, ſo was this. *Ergo.* Here (Mr. *Speaker*) falls the weight of their objection, which we will maſter, and anſwer with equall ſpeede, and firſt *vellicat mihi aureum neſcio quis*, and

 ſayeth

sayes the writ is *Burgensi de Burgo*, but he is not *Burgensis de Burgo*. First I say *quomodo constat*, here is none to offer in proofe he is not so, beside I offer it in Quære, whether the election doth not *ipso facto* make him a Burgesse, *& in omni instanti*, againe I say the writ is *directive* not *positive*. *v.g. in a venire facias*, the Sheriffe commanded to returne 12. yet if hee returne not 24. he shall be fined, in respect experience and practice proves, some of the 12. may be questioned and challenged: besides the writ explains it selfe, the Knights must be *Comitatus tui*, but the Burgesses and Citizens *de qualibit Civitate & Burgo*, which can admit of no other construction, but these two Burgesses out of every Burrough (& not as *Comitatus tui*, is, which were then of every Burrough, and certainly the Law provided this with great reason as not doubting every Sheere could afford 2. Knights, *resident, yet jealous*, whether every burrough could provide 2. resident Burgesses qualified with these necessary adjucts, as could befit a member of so noble a place; Againe the writ commands *duos milites*, and yet exception was never take upon returning of Esquires, so that the writ expounds it selfe, it is not literally to be taken. Next there is Thunder and Lightning shot out of the Statute, 33. *H.* 8. being a Stat. to regulate election, and absolutely commanding every Knight and Burgesse to be

resident,

reſident and have a certaine Fee-ſimple in every burrough and County, out of which they are elected; Here they ſuppoſe our Priviledge will cry quarter as ready to be murtherd by the Statute, but it is *ominous ante victoriã canere*. For firſt, we anſwer, that the diſuſe of a Statute antiquates a Statute, as is obſerved upon the Statute of *Merton*, and cuſtome applauded by fortunate experience hath in all Parliaments ever prevailed; a houſe of Commons would rather preſent *Babell* in it's confuſion, if the *Tincker* would ſpeake his *Dialect*, the Cobler his, and the Butcher conclude a greaſie Epilogue, then the writ were well purſued, theſe were *ſi donei homines* to take & give counſell *de rebus arduis*; but even to cut off the head of their owne argument by a Sword of their own, this Stat. of 33. *H.* 8. ſeemes by the preamble to be made in repeale of all former Statuts, by which, election not qualified with reſidencie, was made void, and ſo became a greevance to the Common-wealth, & therefore this Statute makes the election not obſerved *ut ſupra*, onely penall, ſo that there is nothing offered in objection, either from the writ or Statute to avoid this election. Now I have placed him & daily elected him, and then his priviledge growes by conſequence, but yet we have other objections *minoris magnitudinis*, & to repeate them is to confute them; Firſt ſay they eve-

ry *Libellers*, *de jure*, excõmunicated; I answer, every *Libeller* must be *Scriptis*; *Pictis*, or *Cantilenis*, our member is guilty of none of them, no, he is not termed, so neither in the censure, nor in any present proceeding. Another flourish is, that hee pleaded not his priviledge in the *Castle-Chamber*, in which very objection, they confesse him privileged, and make themselves guilty, that they would proceed against a knowne member of our House. But see the Roman Spirit of Mr. *Fitz-Gerald*, who would rather undergoe the hazard of being a *Starre-chamber Martyr*, then to submit our Priviledge to an extrajudiciall debate. It was in our honour hee did this, and for his eternall applause: some body sayes the castle chamber will thinke it selfe injured, there being Lords of the house of parliament at & in the censure. As for the Lords, *humanum est errare*, but the Iudges are rather involved in these words *Prameditata malitia*, for his election was the 11. of *November* sitting the in Parliament; and his censure the 13. of *December*, so they had 22. or 23. dayes to repent of their ill-grounded resolution, a greater affront never offered to the house of Commons, being comparative, as if the Recorder of the *Tolsell* should sentence the Lord chiefe Iustice of *Ireland* a member of our house is a walking Record: & needs not to melt the Kings

picture

picture in his pocket. Others alledge, it was an election purchased by colluſion, but *de non exiſtentibus & non apparentib. eadem eſt ratio.* And ſince the end of his election is in it ſelfe and *per-ſe*, for the advancing of the publicke ſervice, as well as to prove a ſentence not then *in rerum natura*, both Law and charity in a benigne cõſtruction of theſe 2. ends will allow the more favourable. Another objection is whiſpered, that the entrance is not found in the Clerke of the Parliaments Role; This is no matter to the validity of his election, for his Priviledge commenced 40. dayes before the Parliament, therefore this and the like are to be judged of as *accidentia quæ poſſunt abeſſe & adeſſe ſine ſubjecti interitu.* Truely (Mr. *Speaker*) my memory and lungs begin to prove Traitors to me; Another objection, if omitted, may be judged by theſe of what ſtrength and maturity they, even as by the coynage of a penny, one may judge of a ſhilling; What hinders then, ſince here is water but that hee may be baptized? Here are no *non obſtant's* to be admitted in his new Patteht of Denization, the common law, the Statute law, the Canon, the Civill Law plead for his admittance, the writ of election, the exẽplification of the Sheriffes returne, all preſidents of all ages, all reports pleed for his admittance, our fore-Fathers Ghoſts, the preſent practice of Parliaments in *England* plead for his admittance,

the Kings ſucceſſive commands, command and confirme his admittance; Away then Serjeant and with the hazarding power of our Mace touch the Marſhals gates, and (as if there were Divinity in it) they will open and bring us our Olive branch of peace wreſted from our ſtock, that with welcome Art we may ingraft him to be nouriſhed by a common roote. Thus the King ſhall receive the benefit of an able Subject, who is otherwiſe, *Civiliter mortuus*, we enjoy the participation of his labour, and poſterity both ours and this.

FINIS.